

**ARTICLE VI. ZONING\*****DIVISION 1. GENERALLY****Sec. 14-670. Preamble.**

This article is enacted for the purpose of promotion the public health, safety, peace, and general welfare, to lessen congestion of travel, to secure safety from fire and other dangers, to prevent overcrowding of land, to avoid undue concentration of population and in an economical manner to provide for necessary public facilities and services, all in accordance with a comprehensive plan for the desirable future development of the city.

(Code 1997, § 130-1; Ord. No. 04-56, § 2(1), 5-25-2004)

**Sec. 14-671. Authority.**

The provisions set forth in this article have been prepared in accordance with the authority granted by the state legislature as provided by Act 186 of 1957, as amended (A.C.A. § 14-56-401 et seq.).

(Code 1997, § 130-2; Ord. No. 04-56, § 2(2), 5-25-2004)

**Sec. 14-672. Title.**

This article shall be known as the Rogers, Arkansas, Zoning Ordinance.

(Code 1997, § 130-3; Ord. No. 04-56, § 2(3), 5-25-2004)

**Sec. 14-673. Jurisdiction.**

The territorial jurisdiction of these regulations includes the land within the corporate limits of the city, and all lands subsequently annexed by the city, and shall extend five miles from the corporate limits of the city in all directions as provided for in A.C.A. § 14-56-413.

(Code 1997, § 130-4; Ord. No. 04-56, § 2(4), 5-25-2004; Ord. No. 05-146, § 2, 11-8-2005)

\*State law references—Municipal building and zoning regulations, planning, A.C.A. § 14-56-101 et seq.; zoning ordinances, A.C.A. §§ 14-56-301 et seq., 14-56-416.

**Sec. 14-674. Interpretation.**

The interpretation of the provisions of this article shall be held to be the minimum requirements except where specifically noted as being otherwise.

(Code 1997, § 130-5; Ord. No. 04-56, § 2(5), 5-25-2004)

**Sec. 14-675. Official zoning map.**

(a) The city is hereby divided into zones, or districts, as identified in section 14-696 and as shown on the official zoning map, which together with all explanatory material, is hereby adopted by reference and declared to be a part of this chapter.

(b) The official zoning map shall be identified by the signature of the mayor attested by the city clerk, and bearing the seal of the city along with the following words: "This is to certify that this is the official zoning map referred to in the Rogers Code of Ordinances, Chapter 14."

(c) In keeping with the law, when changes are made to the official zoning map, such changes shall be entered promptly after the amendment is approved by the city council. The official zoning map(s) shall provide a place for the entry of the ordinance number and the date of each amendment.

(d) No changes of any nature shall be made to the official zoning map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change by any person shall be considered a violation of this chapter and punishable as provided in section 14-731.

(e) The official zoning map shall be maintained by the planning director and shall be the final authority as to the current zoning status of land in the city.

(f) If the official zoning map becomes damaged, destroyed, lost or difficult to interpret, the city council may by resolution adopt a new official zoning map. The new official zoning map(s) may

correct errors or omissions in the previous map it replaces. When available, all replaced maps shall be retained for reference purposes.

(Code 1997, § 130-6; Ord. No. 04-56, § 2(6), 5-25-2004)

#### **Sec. 14-676. Definitions.**

(a) Words in the text or tables of this article shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail. In any case, the planning director or his designated agent shall have the right to interpret the definition of the word.

(b) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abutting* means having a property line or a district line in common. Since zoning district lines fall to the centerline of a street, alley, or waterway, lots which appear physically separated abut at said district line.

*Access* means the way or means by which a piece of property is approached or entered.

*Accessory building use* means a building or use which:

- (1) Is subordinate to and serves a principal building or principal use;
- (2) Is subordinate in area, extent, or purpose to the principal building or principal use served; or
- (3) Contributes to the comfort, convenience, or necessity of occupants of the principal use.

*Addition* means any construction that increases the size of a building such as a porch, attached garage or carport, or a new room or wing.

*Alley* means a permanent public service way, which affords only a secondary means of access to abutting property.

*Apartment.* See *Dwelling, multiple-family.*

*Authorized agent* means a person authorized by the landowner to act on his behalf.

*Basement* means a story partly underground and having at least one-half its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes.

*Buffer* means a strip of land established to protect one type of land use from another with which it is incompatible. A buffer strip is landscaped and kept in open space. The term "buffer zone" may be used more broadly to describe any zone that separates two unlike zones such as a multifamily zone between a single-family zone and a commercial zone.

*Bufferyard* means land area typically containing trees, shrubs and other plants, berms, fences or walls and used to visibly separate one use from another or to block noise, lights or other nuisances.

*Buildable area* means the space remaining for construction on a lot after the minimum area requirements (yards, setbacks, and coverage) have been met.

*Building* means anything constructed or erected or installed by man, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to buildings, towers, and smokestacks. Used interchangeably with the term "structure."

*Building, attached,* means a building which shares a continuous wall, roof, floor, or other structural element with another adjacent building.

*Building, detached,* means a building having no wall, roof, floor, or other structural element with another adjacent building.

*Building facade* means the area of a single building elevation that encompasses all of such elevation from ground or grade level to the top, and from one side to the other side of the building.

*Building height* means the vertical distance as measured through the central axis of the building

from the elevation of the lowest finished floor level to the highest point of the roofline or parapet wall.

*Building line* means a line, usually fixed parallel to a lot line, beyond which no part of a building may extend under the terms of this article. It is equivalent to the setback line or yard line and these phrases may be used interchangeably.

*Building, nonconforming*, means an existing building which fails to comply with the regulations (for height, size, area, yards and location) set forth in this article applicable to the district in which this building is located.

*Building, principal*, means a building in which is conducted the main or principal use of the lot on which said building is located.

*Certificate of occupancy* means official certification that a premises conforms to provisions of the zoning ordinance, the building code, and all adopted codes, and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures, and any change of occupancy in existing building. Unless a certificate is issued, a structure cannot be occupied.

*Common usable open space* means that portion of land or an area of water or a combination of land and water within the site designated and intended for use and enjoyment of residents and owners of the planned unit development, and easily accessible to all the residents. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the unit development, but shall not include parking lots, streets and other areas designed primarily for other than common recreational or open space use.

*Conditional use* means uses permitted in zones where they are specifically listed as conditional uses, and are subject to special conditions as determined by the planning commission and city council as outlined in section 14-722.

*Corner lot* means a lot located at the intersection of two streets not sharing the common centerline.

*District*. See *Zoning district*.

*Dwelling or dwelling unit* means any room or group of rooms located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and sanitation by one family.

*Dwelling, attached*, means adjoining dwelling units, each of which is separated from the others by one or more unpierced common walls extending from the ground to the roof.

*Dwelling, multiple-family*, means a dwelling for or occupied by more than two families.

*Dwelling, single-family detached*, means a dwelling designed for and occupied by not more than one family.

*Dwelling, two-family detached*, means a dwelling designed for and occupied by not more than two families.

*Easement* means a grant by the property owner to the public, a corporation or person, of the use of a strip of land for specific purposes.

*Eave* means the weather protective overhanging lower edge of a roof.

*Family* means, in addition to customary domestic servants, either:

- (1) An individual or two or more persons related by blood, marriage or adoption, maintaining a common household in a dwelling unit; or
- (2) A group of not more than eight unrelated mentally retarded or physically disabled persons which may include two additional persons, acting as house parents or guardians, who need not be related to each other, or to any of the persons with developmental or physical disabilities in the group.

*Fence* means a manmade barrier constructed to provide privacy or visual separation between one ownership and another. No fencing is allowed on drainage easements.

*Flood hazard boundary map (FHBM)* means an official map of a community, issued by the Federal Emergency Management Agency, where the areas within the boundaries of special flood hazards have been designated as Zone A.

*Flood insurance rate map (FIRM)* means an official map of a community on which the Federal Insurance Administration has delineated both the areas as of special flood hazards and the risk premium zones applicable to the community.

*Flood insurance study* means the official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface evaluation of the base flood, as well as the flood hazard boundary floodway map.

*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

*Floor area* means the total area of all floors or a building measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches, and balconies.

*Front yard* means the portion of a lot upon which no building may be erected between the front of building and the planned right-of-way line as indicated on the master street plan.

*Gross acreage* means the total acreage of development including areas designated for internal streets and other public facilities.

*Gross leasable area* means revenue producing portion of a structure.

*Home occupation* means any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock-in-trade, no outside storage or equipment, no commodity sold upon the premises and not more than two persons are engaged in such occupation, and does not generate additional volumes of vehicular or pedestrian traffic. Such uses as barbershop, beauty parlor,

tearoom, tourist home, animal hospital, and dancing school shall not be deemed to be home occupations.

*Interior lot* means any lot located between corner lots within the same block and is any lot other than a corner lot.

*Loading space (off-street)* means an unobstructed, hard surface area no part of which is located in any street or public right-of-way and the principal use of which is for the standing, loading, or unloading of trucks and trailers.

*Lot* means a parcel of land legally defined in a recorded deed or a recorded plat, fronting on a public dedicated right-of-way or other approved private drive. Said lot shall establish on building site and comply with the subdivision rules and regulations in effect for the city.

*Lot area* means the total horizontal area included within the lot.

*Lot coverage* means the percent of lot area occupied by the ground area of principal and accessory buildings on such lot.

*Lot depth* means the mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot and the midpoint of the rear lot line.

*Lot, double frontage*, means a lot having frontage on two nonintersection streets.

*Lot line* means the property boundary lines.

*Lot line, front*, means the property boundary line that runs common with and adjacent to any street frontage or right-of-way separating such lot from such street; in the case of a double frontage lot or a corner lot, each line separating such lots from the street shall be considered a front lot line.

*Lot line, rear*, means that property boundary line which is generally parallel to and most distant from the front lot line of the lot.

*Lot line, side*, means a lot line other than a front or rear lot line.

*Lot of record* means a parcel of land that is a lot in a subdivision recorded on the records of Benton County, Arkansas recorder's office, or that is described by a metes and bounds description which

has been so recorded prior to the subdivision regulations in effect, or lots exempt from those regulations.

*Lot width* means the mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; measurements shall be made at the front building line.

*Mobile component residential structure* means a detached single-family dwelling unit with one or more of the following characteristics:

- (1) Designed for fulltime occupancy and containing sleeping accommodations, flush toilets, tub or shower, electrical connections provided for attachment to outside systems;
- (2) Designed to be transported after fabrication on its own wheels, or on flatbed or by other means; or
- (3) Arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on and connection to foundation supports, connection to utilities and the like. Anchorage must comply with design load requirements of the building code of the city.

*Nonconforming building or structure* means any building or structure lawfully existing on the effective date of the ordinance from which this article is derived, as amended, which does not comply with all of the regulations of this article for governing parking or bulk and area requirements for the zoning district in which such building or structure is located; provided, however, any building containing more dwelling units than the number permitted by the district regulations in the district where it is located shall be deemed to be a nonconforming use rather than a nonconforming building.

*Nonconforming use* means any use lawfully being made of any land, building or structure, on the effective date of the ordinance from which this article is derived, as amended, which does not comply with all the regulations of this ordinance governing use for the zoning district in which such land, building or structure is located.

*Nonresidential* means a building intended for nonhabitable use and not as a residence. See *Residence*.

*Parking lot* means any area subject to wheeled traffic including access areas used for parking, except for single-family or two-family development.

*Parking space, off-street*, means a space for the parking of a motor-driven vehicle within a parking lot and having a permanent means of access to a street right-of-way without requiring passage through another parking space. Said space shall meet all dimension and angle criteria in the off-street parking and loading regulations approved by the planning commission and city council.

*Plan* means a fully dimensioned drawing which illustrates in detail all elements of a development proposal including, but not limited to, property lines, streets, easements, prepared by a registered land surveyor, architect, or engineer, appropriately certified.

*Plan, preliminary*, means an engineering drawing which provides for all data by a land surveyor or civil engineer, illustrating the details as necessary to establish a development format with physical land features and usage.

*Plat* means an engineering drawing which provides for all development of land and certified as to accuracy by a land surveyor or engineer.

*Plat, final*, means an engineering drawing which provides for all data related to development of land certified as to accuracy by land surveyor or civil engineer, illustrating details necessary, convey ownership, dedication, etc. However, no information as to physical features or use is reflected. A final plat is prepared in a form suitable for recording.

*Plat, preliminary*, means an engineering drawing which provides for all data related to a development of land certified as to accuracy by a land surveyor or civil engineer, illustrating the details as necessary to establish a development format with physical land features and usage.

*Principal use* means the use that fulfills the primary function of an establishment, institution, household, or other entity.

*Rear yard* means the portion of a lot upon which no building may be erected between the rear of a building and the public right-of-way or property line, whichever is further from the centerline of the street.

*Residence* means a building or part of a building containing one or more dwelling units or rooming units. However, the term "residence" does not include:

- (1) Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments; or
- (2) Dormitories, fraternity or sorority houses, monasteries or convents, or similar establishment containing group living or sleeping accommodations; or
- (3) Nurses residences, sanitariums, nursing homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facility uses.

*Rezoning* means an amendment to or change in the zoning ordinance reflecting a change or revision or modification of the zoning district boundary map.

*Right-of-way* means an area of land deeded, reserved by plat, or otherwise accepted and maintained by the city, the county, or the state for public use.

*Side yard* means the portion of a lot upon which no building may be erected between the side of a building and the property line to the side of a building.

*Site plan review* means the process whereby the planning commission and staff review the site plans and maps of the developer to ensure that they meet the stated purposes and standards of division 1 of this article.

*Street* means a strip of land, including the entire right-of-way, intended primarily as a means

of vehicular and pedestrian travel which may also be used to provide space for sewers, public utilities, trees and sidewalks.

*Structural alterations* means any external change in either the supporting members of a building, such as dimension or configuration of the roof or other exterior wall.

*Structure.* See *Building*.

*Unit, dwelling,* means a living space for one family or household. A dwelling unit may be part of a building containing two or more dwelling units or it may be a detached building for a single-family.

*Use* means a purpose to which land is committed.

*Variance* mean an exception from the strict application of the provisions of this article.

*Yard, exterior,* means any yard which is adjacent or parallel to a public or private right-of-way.

*Yard, front.* See *Front yard*.

*Yard, interior,* means any yard which does not run adjacent to or parallel with a public or private right-of-way.

*Yard, rear.* See *Rear yard*.

*Yard, side.* See *Side yard*.

*Zoning district* means a section of a city designated in the zoning ordinance text in which requirements for the use of land and building and development standards are prescribed.

*Zoning district boundary* means that boundary line which separates unlike zoning districts. (Code 1997, § 130-7; Ord. No. 04-56, § 2(7), 5-25-2004)

**Secs. 14-677—14-695. Reserved.**

## DIVISION 2. DISTRICT REGULATIONS

### Sec. 14-696. Districts.

The city is hereby divided into the following zoning districts:

A-1 agricultural

R-E residential estate

R-SF residential single-family

R-AH residential affordable housing

R-DP residential duplex and patio home

N-R neighborhood residential

R-MF residential multifamily

R-MHC manufactured home community

R-RVP recreational vehicle

R-O residential office

O office

C-1 central business

C-2 highway commercial

C-3 neighborhood commercial

C-4 open display commercial

W-O warehouse office

I-1 light industrial

I-2 heavy industrial

CU condominium unit

PUD planned unit development  
(Code 1997, § 130-20; Ord. No. 04-56, § 2(8),  
5-25-2004)

**Sec. 14-697. A-1 agricultural district.**

(a) *Purpose and intent.* This district shall consist of areas for agricultural uses, related uses and low-density residential uses.

(b) *Schedule of permitted and conditional uses.*

<i>Permitted Uses</i>	<i>Conditional Uses</i>
Agricultural uses	Animal products processing
Animal boarding kennel	Bed and breakfast
Animal farms for show breeding, raising and training	Campground
Animal pound	Club or lodge with or without alcohol
Cemetery, mausoleum and crematory	Communications tower
Church	Community center
Convent or monastery	Day care center
Day camp	Farm equipment and supplies
Fairgrounds	Garden supplies
Fire station	Go-cart track
Group homes, developmentally disabled	Golf course
Jail	Golf range
Park, public	Governmental services
Reservoir, wet or dry detention	Guest ranch
Sand, gravel or earth sales and service	Heliport
School, public	Homes occupations
Seasonal sales	Landfill
Small animal kennels and boarding	Manufactured homes
Stable, commercial	Masonry/stone business
Utility facilities	Outdoor gun range
Water treatment/storage facilities	Power plant
Watershed conservation/flood control	Real estate sale office
	Recycling and reclamation
	Sawmill and byproducts
	School, private
	Sewage treatment plant
	Taxidermist
	Veterinary clinic
	Wedding planning and venue
	Zoo

(c) *Lot size requirements.*

- (1) Minimum lot area: 1½ acres.
- (2) Minimum lot width: 200 feet.

(d) *Bulk and open space requirements.*

- (1) *Maximum structure height:*
  - a. *When side yards are less than 15 feet in width:* 35 feet or 2½ stories above the finished grade.
  - b. *When side yards are 15 feet in width or greater:* 45 feet or three stories above the finished grade.
  - c. *Accessory structures:* 16 feet, except storage buildings which shall not exceed ten feet.
- (2) *Minimum yard requirements:*
  - a. *Front yard:* 40 feet.
  - b. *Interior side yard:* 20 feet.
  - c. *Exterior side yard:* 40 feet.

d. *Rear yard*: 35 feet.

- (3) *Maximum building coverage (including accessory buildings)*: 30 percent.
- (4) *Minimum open space*: Not less than 30 percent of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.
- (5) *Maximum impervious area*: The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 70 percent of the total lot.

(e) *Off-street parking*.

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
OFFICE AND INSTITUTIONAL USES	
Auditoriums, arenas, theatres (and similar places of public assembly)	1 space for each 4 seats
Church sanctuary	1 space for each 4 seats based on maximum seating capacity in the principal assembly room; provided, however, that churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand
Lodge halls, exhibition halls, clubs (and similar places of public assembly)	1 space per 200 square feet of net floor area
Nursery, kindergarten and day care centers	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary school (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site

Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
Business and professional office (and similar use or establishment)	1 space per 300 square feet of net floor area. For structures larger than 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken of the remaining net floor area: 10,001—20,000 square feet: 95 percent of requirement 20,001—30,000 square feet: 90 percent of requirement 30,001—40,000 square feet: 85 percent of requirement 40,001 square feet and up: 80 percent of requirement
COMMERCIAL USES	
General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken off the remaining net floor area: 10,001—20,000 square feet: 95 percent of requirement 20,001—30,000 square feet: 90 percent of requirement 30,001—40,000 square feet: 85 percent of requirement 40,001 square feet and up: 80 percent of requirement
Drive-through commercial facilities	In addition to the other parking space requirements, holding or stacking spaces for each service window. Each stacking space shall be no less than 10 feet wide by 20 feet long
Manufacturing, processing and wholesaling (and similar uses or establishments)	1 space per 600 square feet of net floor area
Warehouse and storage	5 spaces plus 1 space per 2,000 square feet of net floor area up to 50,000 square feet; then, in addition to the above requirement, 1 space per 10,000 square feet above 50,000 square feet or portion thereof.

(f) *Loading space standards.*

<i>Floor area (square feet)</i>	<i>Loading spaces required</i>
5,000—25,000	1
25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
For each additional 90,000	1 added space

(Code 1997, § 130-21; Ord. No. 04-56, § 2(9), 5-25-2004; Ord. No. 09-03, § 1, 2-2-2009; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

**Sec. 14-698. R-E residential estate district.**

(a) *Purpose and intent.* This district is intended primarily for large estate size lots with single-family homes buffered from other incompatible uses. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhood areas are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the estate character of the district. This district shall allow the ownership of horses without a conditional use permit, provided that each horse shall have a minimum of one acre of land per horse.

(b) *Schedule of permitted and conditional uses.*

<i>Permitted uses</i>	<i>Conditional uses</i>
Animal farms for show breeding, raising and training	Church
Fire station	Club or lodge with or without alcohol
Golf course	Community center
Group homes for developmentally disabled	Country club with alcohol
Public park	Real estate sales office
Reservoir, wet or dry detention	School, private
School, public	
Utility facilities	
Water treatment/storage facility	
Watershed conservation or flood control	

(c) *Bulk and open space requirements.*(1) *Maximum structure height:*

- When side yards are less than 15 feet in width:* 35 feet or 2½ stories above the finished grade.
- When side yards are 15 feet in width or greater:* 45 feet or three stories above the finished grade.
- Accessory structures:* 24 feet, except storage buildings which shall not exceed ten feet.

(2) *Minimum yard requirements:*

- Front yard:* 50 feet.
- Interior side yard:* 20 feet
- Exterior side yard:* 50 feet.
- Rear yard:* 50 feet.

(d) *Density and lot size requirements.*

- Minimum lot area:* 43,560 square feet.
- Minimum lot width:* 150 feet.
- Minimum lot depth:* 150 feet.
- Maximum building coverage:* 30 percent.
- Minimum open space:* Not less than 40 percent of the total lot area shall be devoted to open space. Open space shall not include areas covered by building, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.
- Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 70 percent of the total lot area.

(e) *Off-street parking.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
Roominghouses, dormitories, fraternities, sororities (and similar uses and establishments)	1 space per sleeping accommodation
OFFICE AND INSTITUTIONAL USES	
Nursing or convalescent homes	1 space for each bed
Church sanctuary	1 parking space for each 4 seats based on maximum seating capacity in the principal assembly room; provided however, that churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand.
Lodge halls, clubs	1 space per 200 square feet of net floor area
SCHOOLS AND INSTITUTIONS	
Day nursery or child care center	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated.
Elementary (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every five fulltime students plus 1.5 spaces per classroom
Real estate sales office	1 space per 250 square feet of net floor area up to 10,000 square feet

(Code 1997, § 130-22; Ord. No. 04-56, § 2(10), 5-25-2004; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

### Sec. 14-699. R-SF residential single-family district.

(a) *Purpose and intent.* This district is intended primarily for single-family detached dwellings at low residential densities of approximately three units per acre. If more than three units per acre are requested the developer must submit a concept plan to the city planning commission outlining certain amenities to offset the density.

Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhood areas are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the single-family residential character of the district. Internal stability, harmony, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and by consideration of proper functional relationship and arrangement of the different uses permitted in this district. This zoning district replaces the former R-1, R-1A and R-1B zoning districts.

(b) *Amenities considered for increased density.* Greenspace, preserving existing trees and natural areas, parks, trails, common areas, schools, boulevard streets, curvilinear streets, screening, public facilities, and other amenities decided by the city planning commission. For the developer providing additional amenities the city may allow increased density up to eight units per acre, smaller minor streets, and reduced setbacks.

#### (c) *Open space considerations.*

Percent Open Space (Gross Land Area)	Density Increase (Units Per Acre)
15	1.5
20	2
25	2.5
30	3
35	3.5
40	4
45	4.5
50	5

Greenspace will be considered preserving existing old growth trees and natural areas, common areas and the open space in boulevard streets. The use of curvilinear streets throughout the development shall entitle the developer to an increase in density of one unit per acre (not to exceed a total of eight units per acre).

(d) *Schools and public facilities.* For developments providing areas of five acres or a minimum of five percent of the property for public buildings, public parks, and schools an increase of two units per acre will be permitted not to exceed a total of eight units per acre).

(e) *Permitted and conditional uses.*

<i>Permitted uses</i>	<i>Conditional uses</i>
Convent or monastery	Animal farm for breeding/training
Fire station	Bed and breakfast
Group homes for developmentally disabled	Beauty shop/barbershop, limit two stylist chairs
Home occupation	Church
Park, public	Club or lodge, with or without alcohol
Reservoir, wet or dry detention	Community center
School, public	Country club, private with alcohol
Utility facilities	Day care center
Water treatment/storage facility	Golf course
Watershed conservation or flood control	Home occupation
	Library, museum, etc.
	Nursing or convalescent home
	Orphanage
	School, private
	Real estate sales office

(f) *Bulk and open space requirements.*(1) *Maximum structure height:*

- When side yards are less than 15 feet in width:* 35 feet or 2½ stories above the finished grade.
- When side yards are 15 feet in width or greater:* 45 feet or three stories above the finished grade.
- Accessory structures:* 16 feet, except storage buildings which shall not exceed ten feet.

(2) *Minimum yard requirements:*

- Front yard:* 30 feet or as required by amenity agreement.
- Side yard:* Ten feet or as required by amenity agreement.
- Rear yard:* 20 feet.
- Exterior side yard:* 20 feet.

If the density is five or greater, the front setback will be reduced to 25 feet.

If the density is five to 6.5, the side setback will be reduced to 7½ feet.

If the density is 6.5 to eight, the side setback will be reduced to five feet.

(g) *Maximum building coverage.*

- The maximum building coverage (including accessory buildings):* 40 percent.

- Minimum open space:* Not less than 30 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified by the amenity agreement. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

- Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 70 percent of the total lot area unless modified in accordance with the amenity agreement.

- Density requirements.* The minimum density shall be 8,000 square feet per dwelling unit or in accordance with the amenity agreement.

(i) *Off-street parking.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
Roominghouses, dormitories, fraternities, sororities (and similar uses and establishments)	1 space per sleeping accommodation
OFFICE AND INSTITUTIONAL USES	
Church sanctuary	1 parking space for each four seats based on maximum seating capacity in the principal assembly room; provided however, that churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand
Lodge halls, clubs	1 space per 200 square feet of net floor area
SCHOOLS AND INSTITUTIONS	
Day nursery or child care center	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site

Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
Real estate sales office	1 space per 250 square feet of net floor area up to 10,000 square feet

(j) *Bufferyard requirements.* Whenever any non-residential development in an R-SF district is located adjacent to a residential use in the R-SF district or a different zoning district, screening and a bufferyard shall be provided in accordance with the amenity agreement.

(Code 1997, § 130-23; Ord. No. 04-56, § 2(11), 5-25-2004; Ord. No. 04-106, § 1, 9-28-2004; Ord. No. 09-03, § 1, 2-2-2009; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

#### Sec. 14-700. R-AH residential affordable housing.

(a) *Purpose and intent.* This district is established to provide for locations of affordable housing on smaller lots that allow for both traditional stick built homes and manufactured homes at low residential densities of approximately eight units per acre. The zoning is designed to provide a desirable residential environment and provide protection from potentially adverse neighboring influence. It should be located for principal access for vehicular traffic to collector or higher classification streets. This zoning district replaces the R-1B district.

(b) *Permitted and conditional uses.*

Permitted Uses	Conditional Uses
Fire station	Church
Home occupation	Child day care center
Park, public	Club or lodge serving alcohol
Reservoir, wet or dry detention	Community center
School, public	School, private
Utility facilities	
Water treatment/storage facilities	
Watershed conservation or flood control facilities	

(c) *Bulk and open space regulations on individual lots.*

(1) *Maximum structure height:*

- 35 feet or 2½ stories above the finished grade.
- Accessory structure: 16 feet except storage buildings which shall not exceed ten feet.

(2) *Minimum yard requirements:*

- Front yard:* 25 feet.
- Interior side yard:* Five feet.
- Exterior side yard:* 20 feet.
- Rear yard:* 20 feet.

(d) *Density and lot size requirements on individual lots.*

- Minimum lot area:* 5,000 square feet.
- Minimum lot width:* 50 feet.
- Minimum lot depth:* 100 feet.
- Maximum building coverage:* 40 percent
- Minimum open space:* Not less than 30 percent of the total lot area shall be devoted to open space. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

(e) *Manufactured housing appearance standards.* No manufactured home shall be placed in the city unless said home bears a Department of Housing and Urban Development label issued by the United States Department of Housing and Urban Development or its central agent. Manufactured homes shall:

- Be compatible and similar in appearance with site-constructed residences.
- Have more than 936 square feet of occupied space.
- Have a minimum width of 28 feet and length of at least 36 feet.

- (4) Be placed onto a permanent foundation system, (piers, bearing walls, etc.) in accordance with applicable building codes.
  - (5) Be anchored to the permanent foundation system in accordance with the applicable building code and to the manufacturer's specifications.
  - (6) Be set onto an excavated area with permanent perimeter walls constructed of block, brick or stone with foundations, footings or a crawl space or basement walls constructed in accordance with the applicable building codes. The space between the floor joist or the home and the excavated underfloor grade shall be completely enclosed with the permanent perimeter enclosure (except for required openings).
  - (7) Have wheels, axles and hitch mechanisms removed.
  - (8) Have utilities connected in accordance with applicable city codes or manufacturers.
  - (9) Have siding material of a type customarily used on site-constructed residences, excluding smooth, ribbed, or corrugated metal or plastic panels.
  - (10) Have pitched roofs and roofing material of a type customarily used on site constructed homes.
- (f) *Off-street parking.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
OFFICE AND INSTITUTIONAL USES	
Church sanctuary	1 parking space for each four seats based on maximum seating capacity in the principal assembly room; provided however, that churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand
Lodge halls, clubs	1 space per 200 square feet of net floor area

## SCHOOLS AND INSTITUTIONS

Day nursery or child care center	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
Real estate sales office	1 space per 250 square feet of net floor area up to 10,000 square feet

(Code 1997, § 130-24; Ord. No. 04-56, § 2(12), 5-25-2004; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

### Sec. 14-701. R-DP residential duplex and patio home district.

(a) *Purpose and intent.* This district is intended to provide areas for the development of one- or two-family residential structures. The district may be located in developed areas or undeveloped areas of the city where an environment compatible with moderate density residential development can also be established. This zoning district replaces the former R-2, RMF 6A and 6B zoning districts.

(b) *Permitted and conditional uses.*

Permitted Uses	Conditional Uses
Church	Animal boarding kennel
Fire station	Beauty/barber shops (2-chair limit)
Group homes, developmentally disabled	Bed and breakfast
Home occupation	Community center
Park, public	Day care center
Reservoir, wet or dry detention	Nursing or convalescent home
School, public	Real estate sales office
Utility facilities	School, private
Water treatment/storage facilities	
Watershed conservation and flood control facilities	

(c) *Bulk and open space regulations.*

## (1) Maximum structure height for both single-family and two-family residences:

- a. *When side yards are less than 15 feet in width:* 35 feet or 2½ stories above the finished grade.
- b. *When side yards are 15 feet in width or greater:* 45 feet or three stories above the finished grade.
- c. *Accessory structures:* 16 feet, except storage buildings which shall not exceed ten feet.

## (2) Minimum yard requirements for single-family residences:

- a. *Front yard:* 20 feet.
- b. *Interior side yard:* Six feet.
- c. *Exterior side yard:* 20 feet.
- d. *Rear yard:* 20 feet.

## (3) Minimum yard requirements for two-family residences:

- a. *Front yard:* 25 feet.
- b. *Interior side yard:* 7½ feet.
- c. *Exterior side yard:* 20 feet.
- d. *Rear yard:* 20 feet.

(d) *Density and lot size requirements.*

## (1) Minimum lot area:

- a. *Single-family residence:* 6,000 square feet.
- b. *Two-family residence:* 12,000 square feet.

## (2) Minimum lot width:

- a. *Single-family residence:* 60 square feet.
- b. *Two-family residence:* 85 feet.

## (3) Minimum lot depth for both single-family and two-family residences: 100 feet.

## (4) Maximum building coverage for both single-family and two-family residences: 30 percent.

## (5) Minimum open space for both single-family and two-family residences: Not less

than 40 percent of the total lot area shall be devoted to open space. Open space shall not include areas covered by building, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

(e) *Off-street parking for single-family and two-family residences.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
Patio home dwelling	2 spaces per dwelling unit
Two-family dwelling	2 spaces per dwelling unit
Roominghouses, dormitories, fraternities, sororities (and similar uses and establishments)	1 space per sleeping accommodation
OFFICE AND INSTITUTIONAL USES	
Nursing or convalescent homes	1 space for each bed
Church sanctuary	1 parking space for each 4 seats based on maximum seating capacity in the principal assembly room; provided however, that churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand
Lodge halls, clubs	1 space per 200 square feet of net floor area
SCHOOLS AND INSTITUTIONS	
Day nursery or child care center	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
Real estate sales office	1 space per 250 square feet of net floor area up to 10,000 square feet.

(Code 1997, § 130-25; Ord. No. 04-56, § 2(13), 5-25-2004; Ord. No. 06-125, § 1(13), 7-25-2006;

Ord. No. 10-17, § 1(Exh. A), 2-9-2010; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

**Sec. 14-702. N-R neighborhood residential district.**

(a) *Purpose and intent.* The N-R neighborhood residential district is created to encourage the continuation and revitalization of existing single-family detached housing at subdivision densities which are compatible with the comprehensive plan's goals for residential developments. Goals of the N-R district can be: Make more efficient use of existing infrastructure such as streets, and water and sewer lines, provide affordable housing opportunities within the city, minimize traffic congestion by reducing commuting distances, and relieve some of the pressure from suburban sprawl by promoting new development in more established areas.

(b) *Permitted and conditional uses.*

<i>Permitted Uses</i>	<i>Conditional Uses</i>
Church	Beauty/barber shops with a two-chair limit
Fire station	Bed and breakfast
Park, public	Business office
Reservoir, wet or dry detention	Community center
School, public	Day care center
Utility facilities	Real estate sales office
Water treatment/storage facilities	School, private
Watershed conservation or flood control facilities	

(c) *Bulk and open space regulations.*

(1) *Maximum structure height:*

- a. *When side yards are less than 15 feet in width:* 35 feet or 2½ stories above the finished grade.
- b. *When side yards are 15 feet in width or greater:* 45 feet or three stories above the finished grade.
- c. *Accessory structures:* 16 feet, except storage buildings which shall not exceed ten feet.

(2) *Minimum yard requirements:*

- a. *Front yard:* 20 feet.
- b. *Interior side yard:* Six feet.
- c. *Exterior side yard:* 20 feet.

d. *Rear yard:* 20 feet.

(d) *Density and lot size requirements.*

- (1) *Minimum lot area:* 6,000 square feet.
- (2) *Minimum lot width:* 60 feet.
- (3) *Minimum lot depth:* 100 feet.
- (4) *Maximum building coverage:* 30 percent.
- (5) *Minimum open space:* Not less than 40 percent of the total lot area shall be devoted to open space. Open space shall not include areas covered by building, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

(e) *Off-street parking.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
OFFICE AND INSTITUTIONAL USES	
Church sanctuary	1 parking space for each four seats based on maximum seating capacity in the principal assembly room; provided however, that churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand
SCHOOLS AND INSTITUTIONS	
Day nursery or child care center	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
Real estate sales office	1 space per 250 square feet of net floor area up to 10,000 square feet

(Code 1997, § 130-27; Ord. No. 04-56, § 2(15), 5-25-2004; Ord. No. 09-03, § 1, 2-2-2009; Ord. No.

10-17, § 1(Exh. A), 2-9-2010; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

**Sec. 14-703. R-MF residential multifamily district.**

(a) *Purpose and intent.* This district is intended to provide suitable areas within the city for attached and detached residential development at densities from six to 36 units per acre in increments of one-half units per acre. The zoning shall be designated as R-MF followed by the specific density per acre in increments of one-half units per acre. The letter "A" or "B" will follow unit density to designate rental or individual ownership with "A" being individual ownership and "B" being rental. The base density will be six units per acre. If more than six units per acre are requested the developer must submit a concept plan to the city planning commission outlining certain amenities to offset the density. The district is intended for areas that have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods. New single-family dwellings are not permitted to ensure that vacant land set aside for multifamily development is not preempted by less intense development. The zero-lot-line concept, which permits construction with no side yard setback on one side, may be used within such districts. Horizontal property regimes shall be permitted in this district. This zoning district replaces the former R-3 and all former RMF zoning districts.

(b) *Amenities considered for increased density.* Greenspace, preserving existing trees and natural areas, parks, trails, common areas, schools, boulevard streets, curvilinear streets, screening, public facilities, and other amenities decided by the city planning commission. For the developer providing additional amenities the city may allow increased density up to 36 units per acre, smaller minor streets, and reduced setbacks.

(c) *Open space considerations.*

<i>Percent Open Space (Gross Land Area)</i>	<i>Density Increase (Units Per Acre)</i>
15	3
20	6
25	8
30	8.5
35	10
40	12
45	20
50	30

Greenspace will be considered preserving existing old growth trees and natural areas, common areas, and the open space in boulevard streets. The use of curvilinear streets throughout the development shall entitle the developer to an increase in density of one unit per acre (not to exceed a total of 36 units per acre).

(d) *Schools and public facilities.* For developments providing areas of five acres or a minimum of five percent of the property to public schools and facilities, an increase of 3½ units per acre will be permitted (not to exceed a total of 36 units per acre).

(e) *Permitted and conditional uses.*

<i>Permitted Uses</i>	<i>Conditional Uses</i>
Church	Club or lodge with or without alcohol
Convent or monastery	College housing
Fire station	Community center
Group homes for developmentally disabled	Country club, private with alcohol
Group homes, transient	Day care center
Nursing or convalescent home	Home occupation
Park, public	Golf course
Reservoir, wet or dry detention	Orphanage
School, public	Real estate sales office
Utility facilities	School, private
Water treatment/storage facility	
Watershed conservation or flood control	

(f) *Bulk and open space requirements.*

(1) *Maximum structure height:*

- a. 35 feet plus one additional foot for each additional two feet of setback provided on each side of the structure up to 75 feet.

- b. Accessory structures: 16 feet, except storage buildings, which shall not exceed ten feet.
- (2) *Minimum yard requirements:*
- Front yard:* 30 feet.
  - Interior side yard:* Ten feet.\*
  - Exterior side yard:* 30 feet.
  - Rear yard:* 30 feet.
- \*Interior side setback along one side may be zero provided there is a minimum of 20 feet of separation along the other interior side lot line.

(g) *Density and lot size requirements.*

- Minimum lot area:* 43,560 square feet.
- Minimum lot width:* 100 feet.
- The maximum building coverage (including accessory buildings):* 40 percent.
- Minimum open space:* Not less than ten percent of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by building structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.
- Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 70 percent of the total lot area.

(h) *Protective covenants.*

- Development with common property.* The developer shall submit protective covenants and restrictions, which shall be a means for financing the maintenance of any common areas and buildings, and which shall promote the aesthetic value of the development. Said covenants as reviewed by the city planning commission, shall be properly recorded prior to the issuance of any building permit for con-

struction of the proposed development, and shall be applicable to the entire development.

The covenants shall expressly provide that the city is a third party beneficiary to the covenants and shall provide that no encroachment on, reduction of, modification or termination of the covenants shall be made without prior approval of the city council, irrespective of the vote of the other parties to the covenants.

- Development without common property.* If the proposed development does not encompass any common areas or buildings, no protective covenants are required to be submitted.

(i) *Off-street parking.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
Multifamily dwelling	3 spaces for each 2 dwelling units
Roominghouses, dormitories, fraternities, sororities (and similar uses and establishments)	1 space per sleeping accommodation
OFFICE AND INSTITUTIONAL USES	
Nursing or convalescent homes	1 space for each bed
Church sanctuary	1 parking space for each 4 seats based on maximum seating capacity in the principal assembly room; provided however, that churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand
Lodge halls, clubs	1 space per 200 square feet of net floor area
SCHOOLS AND INSTITUTIONS	
Day nursery or child care center	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site

Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
College, university	1 space for each 300 square feet of net floor area, or 1 space per 4 students, whichever is greater
Real estate sales office	1 space per 250 square feet of net floor area up to 10,000 square feet

(j) *Landscaping requirement.* All development in the R-MF district shall be subject to the same requirements as large-scale developments.

(k) *Bufferyard requirements.* Whenever any development in an R-MF district is located adjacent to another zoning district or a nonresidential use in an R-MF district is located adjacent to a residential use in an R-MF district, screening and a bufferyard shall be provided.

(Code 1997, § 130-26; Ord. No. 04-56, § 2(14), 5-25-2004; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

#### **Sec. 14-704. R-MHC manufactured home community district.**

(a) *Purpose and intent.* The R-MHC manufactured home community district is established for manufactured homes in manufactured housing communities, which include manufactured housing developments and manufactured housing subdivisions, at low residential densities of approximately eight units per acre. This zoning district replaces the MCR and the MCP zoning districts. It is intended that such manufactured housing communities shall be so located, designed and improved as to provide:

- (1) A desirable residential environment;
- (2) Protection from potentially adverse neighboring influences;
- (3) Protection for adjacent residential properties;
- (4) Principal access for vehicular traffic to collector or higher classification streets; and
- (5) Accessibility equivalent to that for other forms of permitted residential development to public facilities, places of employment and facilities for meeting commercial and service needs not met within the

manufactured housing community. Other residential and supporting uses may also be permitted in such district.

#### *(b) Permitted and conditional uses.*

<i>Permitted Uses</i>	<i>Conditional Uses</i>
Church	Club or lodge serving alcohol
Fire station	Community center
Group homes for developmentally disabled	Home occupation
Park, public	Mobile home sales
Reservoir, wet or dry detention	School, private
School, public	
Utility facilities	
Water treatment/storage facilities	
Watershed conservation or flood control facilities	

(c) *Use limitations.* In manufactured housing communities, recreational vehicles shall not be occupied as dwellings and manufactured home sales lots shall not be permitted.

(d) *Minimum area requirements.* For R-MHC districts and for individual manufactured home communities; minimum number of lots or spaces to be available in manufactured housing development at time of opening. Where the district is established, the minimum area shall be five acres. In manufactured housing development, the minimum number of lots or spaces completed and ready for occupancy before first occupancy is permitted shall be 15. For manufactured housing developments, the tract shall comprise a single plot except where the site is divided by public streets or alleys or where the total property includes separate parcels for necessary utility plants, maintenance or storage facilities, or the like, with appropriate access from the manufactured housing development, provided that all lands involved shall be so dimensioned as to facilitate efficient design and management.

#### *(e) Lot size requirements on individual lots.*

- (1) *Minimum lot area:* 5,000 square feet.
- (2) *Minimum lot width:* 45 feet.
- (3) *Minimum lot depth:* 75 feet.

(f) *Maximum density and lot size requirements in manufactured housing development.* Maximum density in any manufactured housing development shall not exceed eight units per gross acre.

For purposes of these regulations, gross acreage is to be computed as all area within the exterior boundaries of the property, including streets, common open space, lands occupied by management offices and community buildings, lands occupied by manufactured home lots, and lands occupied by utilities installations. Lots for placement of manufactured homes in manufactured housing developments shall be at least 4,000 square feet in area with no dimension less than 40 feet. The limits of each manufactured home lot shall be shown on the site plan and shall be clearly marked on the ground by permanent flush stakes, markers, or other suitable means.

(g) *Bulk and open space regulations on individual lots.*

- (1) *Maximum structure height:*
  - a. *When side yards do not exceed 15 feet in width:* 24 feet above finished grade.
  - b. *When side yards exceed 15 feet in width:* 35 feet or 2½ stories above the finished grade.
  - c. *Accessory structures:* 16 feet except storage buildings, which shall not exceed ten feet.
- (2) *Minimum yard requirements:*
  - a. *Front yard:* 25 feet.
  - b. *Interior side yards:* 7½ feet.
  - c. *Exterior side yard:* 20 feet.
  - d. *Rear yard:* 20 feet.
- (3) *Maximum building coverage (including accessory buildings):* 40 percent.
- (4) *Minimum open space:* Not less than 30 percent of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.
- (5) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways, and any other surfaces which

reduce and prevent absorption of stormwater shall not exceed 70 percent of the total lot area.

(h) *Bulk and open space requirements in manufactured housing developments.*

- (1) Maximum structure height: 35 feet or 2½ stories above the finished grade.
- (2) Minimum yard along exterior boundaries (additional bufferyard may be required by the city planning commission): 25 feet. Where a manufactured housing development adjoins a public street or a residential district, including a R-MHC district, without an alley or other permanent open space at least 25 feet in width, the required yard shall not contain garages, carports, recreational shelters, storage structures, or any other structure generally prohibited in yard adjacent to streets or in residential districts. No direct vehicular access to individual lots shall be permitted through such yards and no group parking facilities or active recreation areas shall be allowed therein. Where the adjoining district is nonresidential, such yards may be used for group or individual parking; active recreation facilities; or carports, recreational shelters, or storage structures.
- (3) However, in no event may a structure be erected closer to the existing or planned street than as prescribed by the right-of-way on the street master plan.
- (4) Minimum open space: Not less than 20 percent of the total area of the manufactured housing development shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.
- (5) Maximum impervious area: The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces

which reduce and prevent absorption of water shall not exceed 80 percent of the total area of the manufactured housing development.

(i) *Design requirements in manufactured housing developments.*

- (1) A site plan meeting the requirements of the city large-scale development ordinance (article III of this chapter) shall be submitted and approved.
- (2) A landscaping plan meeting the requirements of article III of this chapter shall be submitted and approved.
- (3) There shall not be less than 15 feet between manufactured homes or any other buildings located in a manufactured housing development, and location on the lot shall be suitable for the type of manufactured home proposed, considering size, and manner of support, and any improvements necessary on the lot for the support or anchoring of the type of manufactured home proposed shall be proved to the manufactured home so supported and/or anchored before occupancy.
- (4) Storage of maintenance of other equipment incidental to any permitted or conditional use shall be screened from view in accordance with article III of this chapter.
- (5) Refuse storage areas shall be screened from view in accordance with article III of this chapter.
- (6) Lighting shall be designed to reflect away from any adjacent residential areas.
- (7) Mechanical and electrical equipment, including air conditioning units, shall be screened from view.
- (8) Skirting shall be placed around manufactured homes that are not placed on a permanent foundation. Such skirting shall be similar in appearance to materials used for permanent foundations or the siding of the manufactured home to which it is to be attached.

(j) *Bufferyard requirements.* Whenever any development in an R-MHC district is located adjacent to a different zoning district or a nonresidential use in an R-MHC district is located adjacent to a residential use in an R-MHC district, screening and a bufferyard shall be provided.

(k) *Off-street parking.*

RESIDENTIAL	
	2 spaces per unit
OFFICE AND INSTITUTIONAL USES	
Lodge halls, clubs	1 space per 200 square feet of net floor area
Roominghouses, dormitories, fraternities and sororities, boardinghouses (and similar uses and establishments)	1 space per sleeping accommodation
Elementary School (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom

(Code 1997, § 130-28; Ord. No. 04-56, § 2(16), 5-25-2004; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

**Sec. 14-705. R-RVP recreational vehicle district.**

(a) *Purpose and intent.* This district is intended to provide convenient overnight parking for motor homes and travel trailers along major arterial streets while providing access to convenience goods and services for vacationing travelers with access to water and sewer services. This zoning district replaces the former TP district.

(b) *Permitted and conditional uses.*

Permitted Uses	Conditional Uses
Fire station	Club or lodge serving alcohol
Public park	Community center
Reservoir, wet or dry detention	Mobile home sales
School, public	School, private
Trailer camping, sales	
Utility facilities	
Water treatment/storage facilities	
Watershed conservation or flood control facilities	

(c) *Minimum area requirements.* Where the district is established, the minimum area shall be five acres.

(d) *Bulk and open space regulations.*

(1) *Maximum structure height:*

- a. The maximum shall be 16 feet.
- b. Accessory structures: 16 feet except storage buildings, which shall not exceed ten feet.

(2) *Minimum yard requirements:*

- a. *Front yard:* 45 feet unless parking is provided in the front then the front shall be extended to 60 feet.
- b. *Interior side yard:* 7½ feet.
- c. *Exterior side yard:* 15 feet.
- d. *Rear yard:* 20 feet.

(3) *Maximum building coverage (including accessory buildings):* 40 percent.

(4) *Minimum open space:* Not less than 30 percent of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

(5) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways, and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 70 percent of the total lot area.

(e) *Additional district requirements.*

- (1) All motor homes and travel trailers shall be connected to the city sewer system or sewer connections for dump station shall be provided.
- (2) City water connections shall be provided to service travel trailers or motor homes.
- (3) Recreation areas shall not be allowed in the required setbacks and shall be for recreational purposes only.

(4) Any R-RVP development, including development and additions to existing developments shall be subject to the large-scale development ordinance (article III of this chapter).

(5) An R-RVP development having double frontage shall access only an arterial street and all trailer spaces shall access only interior trailer park drives.

(f) *Bufferyard requirements.* Whenever any development in an R-RVP district is located adjacent to a different zoning district or a nonresidential use in an R-RVP district is located adjacent to a residential use in an R-RVP district, screening and a bufferyard shall be provided.

(g) *Off-street parking.*

RESIDENTIAL	
	2 spaces per unit
OFFICE AND INSTITUTIONAL USES	
Lodge halls, clubs	1 space per 200 square feet of new floor area
Elementary school (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
COMMERCIAL USES	
General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be proved and the following percent shall be taken off the remaining net floor area: 10,001—20,000 square feet: 95 percent of requirement 20,001—30,000 square feet: 90 percent of requirement 30,001—40,000 square feet: 85 percent of requirement 40,001 square feet and up: 80 percent of requirement

(Code 1997, § 130-29; Ord. No. 04-56, § 2(17), 5-25-2004; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

**Sec. 14-706. RO residential office district.**

(a) *Purpose and intent.* This district is established to provide for the conversion of existing structures to office use or the construction of offices in areas where the continuation of residential activity is no longer practical or to establish a transition between residential and nonresidential uses. It is further the intent of this district to encourage mixed residential and office uses.

(b) *Permitted and conditional uses.*

Permitted Uses	Conditional Uses
Advertising agency	ATM machines
Artist's studio	Bakery shop
Barber/beauty shop	Bed and breakfast
Business office	Book and stationery store
Camera shop	Broadcasting studio
Church	Club or lodge serving alcohol
Clinic (medical, dental or optical)	College housing
Dental supplies	Community center
Drugstore with drive-through	Cosmetic sales
Fire station	Costume rental
Group homes, developmentally disabled	Dance studio
Hearing aids	Drapery shop
Park, public	Financial institution
Photography studio	Fitness/health spa
Picture framing	Governmental agencies and offices
Reservoir, wet or dry detention	Gymnasium (public)
Sales office	Interior decorating
School, public	Jewelry store or repair
Travel agency	Key shop
Utility facilities	Laboratory/office
Water treatment/storage facility	Locksmith
Watershed conservation/flood control	Medical sales and service
	Multifamily
	Nursing home
	Parking, commercial lot or garage
	Pet grooming
	School, private
	Sewing shop
	Travel agency
	Veterinarians with boarding
	Veterinary small animal outpatient clinic
	Watch repair

(c) *Bulk and intensity of use restrictions.*

(1) *Maximum structure height:*

- When the building is adjacent to residential districts: 35 feet.
- When the building is adjacent to commercial, industrial, or office district: 60 feet.

c. *Accessory structures:* 16 feet.

(2) *Minimum yard requirements:*

- Front yard:* 30 feet. If parking is provided in the front yard area, then the front yard setback shall be 50 feet.
- Interior side yard:* Ten feet.
- Exterior side yard:* 25 feet.
- Rear yard:* 25 feet.

(3) *Maximum building coverage (including accessory buildings):* 50 percent.

(4) *Minimum open space:* Not less than 30 percent of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

(5) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways, and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 70 percent of the total lot area.

(d) *Off-street parking.*

OFFICE AND INSTITUTIONAL USES	
Lodge halls, exhibition halls, clubs (and similar places of public assembly)	1 space per 200 square feet of net floor area
Nursery, kindergarten and day care centers	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary school (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom

Business and professional office (and similar use or establishment)	1 space per 300 square feet of net floor area. For structures larger than 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken off the remaining net floor area: 10,001—20,000 square feet: 95 percent of requirement 20,001—30,000 square feet: 90 percent of requirement 30,001—40,000 square feet: 85 percent of requirement 40,001 square feet and up: 80 percent of requirement
<b>COMMERCIAL USES</b>	
General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken off the remaining net floor area: 10,001—20,000 square feet: 95 percent of requirement 20,001—30,000 square feet: 90 percent of requirement 30,001—40,000 square feet: 85 percent of requirement 40,001 square feet and up: 80 percent of requirement
Drive-through commercial facilities	In addition to the other parking space requirements, holding or stacking spaces for each service window. Each stacking space shall be no less than 10 feet wide by 20 feet long
Personal service establishments (barber, beauty Shops and similar uses)	1 space per each employee plus 1 space per each station

(e) *Loading space standards.*

Floor Area (square feet)	Loading Spaces Required
5,000—25,000	1
25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
For each additional 90,000	1 added space

(Code 1997, § 130-30; Ord. No. 04-56, § 2(18), 5-25-2004; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

**Sec. 14-707. O office district.**

(a) *Purpose and intent.* This district is established to provide for the conservation of structure or the construction of new structures for office purposes in or around the central business district or other older commercial areas. It is further the intent of this district to encourage mixed office-commercial uses.

(b) *Permitted and conditional uses.*

Permitted Uses	Conditional Uses
Advertising agency Artist's studio Bakery shop Barbershop or beauty shop Book/stationery store Broadcasting studio Business office Camera shop Church Clinic (medical, dental or optical) Drugstore with drive-through Fire station Hearing aids Leather goods and luggage Park, public Photography studio Picture framing Reservoir, wet or dry detention Residential use Sales office, general School, public Travel agency Utility facilities Water treatment/storage facility Watershed conservation/flood control	Catering service Club or lodge serving alcohol Cosmetic sales Costume rental Drapery shop Employment agency Florist shop Governmental services Interior decorating Jewelry store or repair Key shop Locksmith Medical sales and service Office furnishings Watch repair School, private

(c) *Bulk and open space requirements.*(1) *Maximum structure height:*

- Principal buildings and parking garages:* 35 feet.
- Accessory structures:* 15 feet.

(2) *Minimum yard requirements:*

- Front yard:* 25 feet.
- Interior side yard:* Ten feet.
- Exterior side yard:* 25 feet.
- Rear yard:* Ten feet.

- (3) *Maximum building coverage (including accessory buildings):* 50 percent.

(d) *Open space requirements.*

- (1) *Minimum open space.* Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.

- (2) *Maximum impervious surface.* The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent.

(e) *Bufferyard requirements.* Whenever any development in an O district is located adjacent to a different zoning district, screening and a bufferyard shall be provided as required by the city planning commission.

(f) *Off-street parking.*

OFFICE AND INSTITUTIONAL USES	
Lodge halls, exhibition halls, clubs (and similar places of public assembly)	1 space per 200 square feet of net floor area
Nursery, kindergarten and day care centers	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary school (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom

Business and professional office (and similar use or establishment)	1 space per 300 square feet of net floor area. For structures larger than 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken of the remaining net floor area: 10,001—20,000 square feet: 95 percent of requirement 20,001—30,000 square feet: 90 percent of requirement 30,001—40,000 square feet: 85 percent of requirement 40,001 square feet and up: 80 percent of requirement
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COMMERCIAL USES

General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken off the remaining net floor area: 10,001—20,000 square feet: 95 percent of requirement 20,001—30,000 square feet: 90 percent of requirement 30,001—40,000 square feet: 85 percent of requirement 40,001 square feet and up: 80 percent of requirement
Restaurants (and similar establishments serving food and beverages)	1 space per each 4 occupants at the maximum permitted occupancy allowed under building code and 1 space per employee based on the largest shift
Drive-through commercial facilities	In addition to the other parking space requirements, holding or stacking spaces for each service window. Each stacking space shall be no less than 10 feet wide by 20 feet long
Food stores, supermarkets and convenience-type grocery stores	1 space for each 200 square feet of net building area; or use the reduction permitted under general business and retail sales
Personal service establishments (barbershops, beauty shops and similar uses)	1 space per each employee plus 1 space per each station

(g) *Loading space standards.*

<i>Floor Area (square feet)</i>	<i>Loading Spaces Required</i>
5,000—25,000	1
25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
For each additional 90,000	1 added space

(Code 1997, § 130-31; Ord. No. 04-56, § 2(19), 5-25-2004; Ord. No. 10-17, § 1(Exh. A), 2-9-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

**Sec. 14-708. C-1 central business district.**

(a) *Purpose and intent.* This district is to provide commercial service, office, and governmental uses in a central location for the convenience of the general public. This district is also established to support the continued growth and revitalization of the existing central business district.

(b) *Permitted and conditional uses.*

<i>Permitted Uses</i>	<i>Conditional Uses</i>
Advertising agency	Animal boarding kennel
Appliance/equipment repair	Bait shop
Armored car carrier	Beer bars
Artist's studio	Building materials, general
ATM machines	Bus station
Auction houses	Club or lodge serving alcohol
Auditorium	Community center
Auto parts and supplies	Convenience store with gas
Bakery shop	Feed store
Bar, lounge or tavern	Furniture repair
Barbershop or beauty shop	Frozen food locker
Bed and breakfast	Gunsmith
Bicycle shop	Jail
Billiard and pool parlor	Laboratory
Bindery	Linen supply/heavy laundry
Book/stationery store	Lumberyard with or without sales
Broadcast studio	Mortuary or funeral home
Business office	Nursing or convalescent homes
Business trades (plumbing, heating and air conditioning)	Pawnshop
	Pest control

<i>Permitted Uses</i>	<i>Conditional Uses</i>
Camera shop	Residential (1st floor)
Carpet sales	School, private
Catalog sales	Small animal kennels and boarding
Catering service	Trucking establishments
China shop	Vehicle rental
Church	Vehicle sales and service
Clinic (medical, dental or optical)	Vending machines, sales and service
Cosmetic sales	Veterinary clinic
Costume rental	
Dance studio	
Day care center	
Dental supplies	
Drapery shop	
Drugstore with drive-through	
Dry cleaning/laundromat	
Electrical and gas appliances	
Engraver	
Equipment repair	
Entertainment, indoor	
Entertainment, outdoor	
Financial institution	
Fire station	
Fitness/health spa	
Florist shop	
Food specialties store	
Furnace cleaning	
Furniture store	
Garden supplies	
General merchandise store	
Governmental services	
Grocery store	
Gymnasium (public)	
Health food store	
Hearing aids	
Hospital	
Hotel or motel	
Interior decorating	
Jewelry store or repair	
Key shop	
Laundromat, public	
Leather goods and luggage	
Library, museum, etc.	
Locksmith	
Medical sales and service	
Music instruments	
News and magazine stands	
Office furnishing	
Package liquor store	
Paint and wallpaper store	
Park, public	
Parking lot/garage	
Pet store	
Photography studio	
Picture framing	
Print shop	

<i>Permitted Uses</i>	<i>Conditional Uses</i>
Reservoir, wet or dry detention Residential (upstairs or above 1st floor) Restaurant Retail sales, general (also see conditional uses) Sales office, general School, public Secondhand store Sewing shop, custom Shoe repair Shoe store Sign painting Travel agency Utility facilities Watch repair Water treatment storage facility Watershed conservation/flood control	

(c) *Bulk and intensity of use restrictions.*

- (1) *Maximum structure height:* As limited by the airport hazard zone.
- (2) *Minimum yard requirements:*
  - a. *Front yard:* None.
  - b. *Side yard:* None.
  - c. *Rear yard:* Ten feet.

(d) *Parking.* On-street parking is allowed for permitted uses and additional parking may be required for conditional and accessory uses. (Code 1997, § 130-32; Ord. No. 04-56, § 2(20), 5-25-2004; Ord. No. 11-05, § 1(Exh. A), 1-11-2011; Ord. No. 12-01, § 1(Exh. A), 1-10-2012; Ord. No. 12-126, § 1(Exh. A), 12-11-2012)

**Sec. 14-709. C-2 highway commercial district.**

(a) *Purpose and intent.* This district is intended for commercial uses, which depend upon high visibility, generate high traffic volumes or cater to the traveling public. These characteristics dictate that this district be located along or at the intersections of arterial classification streets or along frontage roads adjacent to the interstate or other limited-access streets.

(b) *Permitted and conditional uses.*

<i>Permitted Uses</i>	<i>Conditional Uses</i>
Advertising agency Appliance/equipment repair Armored car carrier Artist's studio ATM machines Auction houses Auditorium Auto parts and supplies Bait shop Bakery shop Bar, lounge or tavern Barbershop or beauty shop Bed and breakfast Bicycle shop Billiard and pool parlor Bindery Book/stationery store Broadcast studio Building materials, general Bus station Business trades (plumbing, heating and air conditioning) Business office Cabinet or woodwork shop Camera shop Carpet sales Catalog sales Catering service Cemetery and accessory uses China shop Church Clinic (medical, dental or optical) Community center Cosmetic sales Costume rental Dance studio Day care center Dental supplies Drapery shop Drugstore with drive-through Dry cleaning/laundromat Electrical and gas appliances Engraver Equipment repair Entertainment, indoor Entertainment, outdoor Financial institution Fire station Fitness/health spa Florist shop Food specialties store Frozen food locker Furnace cleaning Furniture repair Furniture store	Animal boarding kennel Beer bars Boat sales and service Carwash Club or lodge serving alcohol Convenience store with gas Farm equipment and supplies Feed store Go-cart track Golf course Heliport Ice machines/ice plants Laboratory Lumberyard with or without sales Multifamily Nursing or convalescent homes Pawnshop School, private Self-service storage Sexually oriented businesses Skate park, indoor or outdoor Small animal kennels and boarding Swimming pool/water park Tattoo parlor Transportation services Trucking establishments Vehicle rental Vehicle sales and service Veterinarians with boarding Warehouse/office

<i>Permitted Uses</i>	<i>Conditional Uses</i>
Garden supplies General merchandise store Golf range Governmental services Grocery store Group homes, transient Gunsmith Gymnasium (public) Health food store Hearing aids Hospital Hotel or motel Interior decorating Jail Jewelry store or repair Key shop Laundromat, public Leather goods and luggage Library, museum, etc. Linen supply/heavy laundry Locksmith Medical sales and service Miniature golf Mortuary or funeral homes Music instruments News and magazine stands Office furnishing Package liquor store Paint and wallpaper store Park, public Parking lot/garage Pest control Pet store Photography studio Picture framing Print shop Reservoir, wet or dry detention Restaurant Retail sales, general Roofing, sales and repair Sales office, general Seasonal sales School, public Secondhand stores Sewing shop, custom Shoe repair Shoe store Sign painting Swimming pool, water park Taxidermist Tennis court, commercial Travel agency Utility facilities Vending machines, sales and service Veterinary clinic Watch repair Water treatment storage facility Watershed conservation/flood control	

(c) *Use limitations.*

- (1) All principal access shall be from an arterial highway or street and no truck traffic shall be routed through any adjacent residential areas.
- (2) No motor vehicle repair or maintenance work shall take place outdoors within 150 feet of the boundary of any residential district.
- (3) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved with a hard surface paving.

(d) *Bulk and intensity of use restrictions.*

- (1) *Maximum structure height:* 150 feet, except accessory buildings which are 16 feet. However, no building in excess of 65 feet shall be built within 300 feet of any residential zone.
- (2) *Minimum yard requirements:*
  - a. *Front yard:* 65 feet.
  - b. *Interior side yard:* 15 feet.
  - c. *Exterior side yard:* 45 feet.
  - d. *Rear yard:* 15 feet.
- (3) *Maximum building coverage (including accessory buildings):* 60 percent.

(e) *Open space requirements.*

- (1) *Minimum open space:* Not less than 20 percent of the gross site area shall be devoted to open space including required yards and bufferyards unless modified by the city planning commission. Open space shall not include areas covered by buildings, structures, parking, storage, loading and other paved areas and internal streets or areas containing plants for display and sale. Open space shall contain living ground cover and other landscaping materials.
- (2) *Maximum impervious surface:* The combined area occupied by all main and accessory buildings or structures, parking,

loading, and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total area.

(f) *Design requirements.*

- (1) A site plan meeting the requirements of the city large-scale development ordinance (article III of this chapter) shall be submitted and approved by the city planning commission.
- (2) A landscape plan meeting the requirements of article III of this chapter shall be submitted and approved by the city planning commission.
- (3) Off-street parking and vehicular use areas shall be screened from all residential uses.
- (4) Refuse storage areas shall be screened from view.
- (5) Mechanical and electrical equipment, including air conditioning units shall be screened from view.
- (6) Lighting shall be designed to reflect away from adjacent residential areas.

(g) *Bufferyard requirements.* Whenever any development in the C-2 district is located adjacent to a different zoning district, screening and bufferyard shall be provided.

(h) *Off-street parking.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
Hotels and motels	1 space is required per guestroom. For developments larger than 20 rooms, 11 parking spaces must be provided for each 10 rooms or fraction thereof for employees and nonguest users patronizing meeting rooms, and other facilities, but not including restaurants
Hospitals, sanitariums, convalescent homes (and similar uses or establishments)	1 space for each bed

OFFICE AND INSTITUTIONAL USES	
Auditoriums, arenas, theatres (and similar places of public assembly)	1 space for each four seats
Church sanctuary	1 space for each four seats based on maximum seating capacity in the principal assembly room; provided, however, that churches may establish joint parking facilities no to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand
Lodge halls, exhibition halls, clubs (and similar places of public assembly)	1 space per 200 square feet of net floor area
Nursery, kindergarten and day care centers	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary school (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
Business and professional office (and similar use or establishment)	1 space per 300 square feet of net floor area. For structures larger than 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken of the remaining net floor area: 10,001—20,000 square feet: 95 percent of requirement 20,001—30,000 square feet: 90 percent of requirement 30,001—40,000 square feet: 85 percent of requirement 40,001 square feet and up: 80 percent of requirement

COMMERCIAL USES	
General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be proved and the following percent shall be taken off the remaining net floor area: 10,001—20,000 square feet: 95 percent of requirement 20,001—30,000 square feet: 90 percent of requirement 30,001—40,000 square feet: 85 percent of requirement 40,001 square feet and up: 80 percent of requirement
Bowling alleys	6 spaces for each lane
Restaurants (and similar establishments serving food and beverages)	1 space per each 4 occupants at the maximum permitted occupancy allowed under building code and 1 space per employee based on the largest shift
Drive-through commercial facilities	In addition to the other parking space requirements, holding or stacking spaces for each service window. Each stacking space shall be no less than 10 feet wide by 20 feet long
Food stores, supermarkets and convenience type grocery stores	1 space for each 200 square feet of net building area; or use the reduction permitted under general business and retail sales
Personal service establishments (barbershop, beauty shops and similar uses)	1 space per each employee plus 1 space per each station
Automotive services (service stations, garages, automobile washing facilities and similar uses)	5 spaces plus 1 space for each 200 square feet of net building area

(i) *Loading space standards.*

Floor Area (square feet)	Loading Spaces Required
5,000—25,000	1
25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
For each additional 90,000	1 added space

(Code 1997, § 130-33; Ord. No. 04-56, § 2(21), 5-25-2004; Ord. No. 08-134, § 1, 11-25-2008; Ord. No. 09-03, § 1, 2-2-2009; Ord. No. 10-17, § 1(Exh. A), 2-9-2010; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012; Ord. No. 12-126, § 1(Exh. A), 12-11-2012)

**Sec. 14-710. C-3 neighborhood commercial district.**

(a) *Purpose and intent.* This district is intended for uses that provide convenience goods or personal services primarily to people residing in adjacent residential areas. It also includes selected retail and service uses that are similar in land use intensity and physical impact to neighborhood sales and service uses permitted in this district. This district is designed to accommodate compact, freestanding commercial centers or to function as a transition between more intense commercial uses and residential neighborhoods. Because the permitted retail and personal service uses may be an integral part of the neighborhood, more restrictive requirements for light, air, open space, building design and landscaping are made than are provided in other commercial districts. This district should be located along or at the intersections of major collector or higher classification streets.

(b) *Permitted and conditional uses.*

Permitted Uses	Conditional Uses
Advertising agency	Auto parts and supplies
Artist's studio	Bait shop
ATM machines	Bindery
Bakery shop	Broadcast studio
Barbershop or beauty shop	Business trades (plumbing, heating and air conditioning)
Bed and breakfast	Cabinet or woodwork shop
Bicycle shop	Carwash
Book/stationery store	Club or lodge with alcohol
Business office	Community center
Camera shop	Convenience store with gas
Catalog sales	Dance studio
Catering service	Day care center
China shop	Entertainment, outdoor
Church	Financial institution
Clinic (medical, dental or optical)	Equipment repair
Cosmetic sales	Fitness/health spa
Costume rental	Frozen food locker
Dental supplies	Golf course
Drugstore with drive-through	Governmental services
Dry cleaner/Laundromat	Grocery store

<i>Permitted Uses</i>	<i>Conditional Uses</i>
Engraver	Heliport
Entertainment, indoor	Landscaping/nursery
Fire station	Laundromat, public
Florist shop	Linen supply and industrial laundry
Food specialty store	Lumberyard, with or without sales
Furniture repair	Mortuary or funeral home
Garden supplies	Nursing or convalescent home
General merchandise store	Paint or wallpaper store
Gymnasium, public	Parking lot/garage
Health food store	Pawnshop
Hearing aids	Restaurant
Interior decorating	Retail sales, general (see conditional uses)
Jewelry store or repair	School, private
Key shop	Secondhand store
Leather goods and luggage	Sign painting
Library, museum, etc.	Swimming pool, water park
Locksmith	Veterinary clinic
Medical sales and service	Tennis courts, commercial
Music instruments	Taxidermist
News and magazine stands	
Office furnishing	
Park, public	
Photography studio	
Picture framing	
Print shop	
Reservoir, wet or dry detention	
Sales office, general	
School, public	
Seasonal sales	
Sewing shop, custom	
Shoe repair	
Shoe store	
Travel agency	
Utility facilities	
Watch repair	
Water treatment storage facility	
Watershed conservation/flood control	

(c) *Bulk and intensity of use restrictions.*(1) *Maximum structure height:*

- a. *Principal building:* 35 feet.
- b. *Accessory structures:* 16 feet.

(2) *Minimum yard requirements (additional bufferyard may be required by the city planning commission):*

- a. *Front yard:* 50 feet.
- b. *Interior side yard:* 25 feet.
- c. *Exterior side yard:* 35 feet.
- d. *Rear yard:* 25 feet.

(3) *Maximum building coverage (including accessory buildings):* 35 percent.(d) *Open space requirements.*

- (1) *Minimum open space:* Not less than 30 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified by the city planning commission. Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
- (2) *Maximum impervious surface:* The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 75 percent of the total area.

(e) *Design requirements.*

- (1) A site plan meeting the requirements of the city large-scale development ordinance (article III of this chapter) shall be submitted and approved.
- (2) A landscape plan meeting the requirements of article III of this chapter shall be submitted and approved.
- (3) All structures in the C-3 district shall be constructed using materials, surface textures and colors similar in nature to surrounding residential development. Consideration shall also be given to the scale, orientation and proportion of surrounding development. Design review shall be performed as part of the site plan review required by article III of this chapter.
- (4) All off-street parking lots and vehicular use areas shall be screened from all residential uses.
- (5) Refuse storage areas shall be screened from view.
- (6) Mechanical and electrical equipment, including air conditioning units, shall be screened from view.
- (7) Lighting shall be designed to reflect away from any adjacent residential area.

(f) *Bufferyard regulations.* Whenever any development in a C-3 district is located adjacent to a different zoning district, screening and a bufferyard shall be provided.

(g) *Off-street parking.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
Hotels and motels	1 space is required per guestroom. For developments larger than 20 rooms, 11 parking spaces must be provided for each 10 rooms or fraction thereof for employees and nonguest users patronizing meeting rooms, and other facilities, but not including restaurants
Hospitals, sanitariums, convalescent homes (and similar uses or establishments)	1 space for each bed
OFFICE AND INSTITUTIONAL USES	
Auditoriums, arenas, theatres (and similar places of public assembly)	1 space for each four seats
Church sanctuary	1 space for each four seats based on maximum seating capacity in the principal assembly room; provided, however, that churches may establish joint parking facilities no to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand
Lodge halls, exhibition halls, clubs (and similar places of public assembly)	1 space per 200 square feet of net floor area
Nursery, kindergarten and day care centers	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary school (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom

Business and professional office (and similar use or establishment)	1 space per 300 square feet of net floor area. For structures larger than 10,000 square feet, the above parking requirement shall be provided and the following percentage shall be taken of the remaining net floor area: 10,001—20,000 square feet: 95 percent of requirement 20,001—30,000 square feet: 90 percent of requirement 30,001—40,000 square feet: 85 percent of requirement 40,001 square feet and up: 80 percent of requirement
COMMERCIAL USES	
General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be proved and the following percentage shall be taken off the remaining net floor area: 10,001—20,000 square feet: 95 percent of requirement 20,001—30,000 square feet: 90 percent of requirement 30,001—40,000 square feet: 85 percent of requirement 40,001 square feet and up: 80 percent of requirement
Bowling alleys	6 spaces for each lane
Restaurants (and similar establishments serving food and beverages)	1 space per each 4 occupants at the maximum permitted occupancy allowed under building code and 1 space per employee based on the largest shift
Drive-through commercial facilities	In addition to the other parking space requirements, holding or stacking spaces for each service window. Each stacking space shall be no less than 10 feet wide by 20 feet long
Food stores, supermarkets and convenience type grocery stores	1 space for each 200 square feet of net building area; or use the reduction permitted under general business and retail sales
Personal service establishments (barbershop, beauty shops and similar uses)	1 space per each employee plus 1 space per each station
Automotive services (service stations, garages, automobile washing facilities and similar uses)	5 spaces plus 1 space for each 200 square feet of net building area

(h) *Loading space standards.*

<i>Floor Area (square feet)</i>	<i>Loading Spaces Required</i>
5,000—25,000	1
25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
For each additional 90,000	1 added space

(Code 1997, § 130-34; Ord. No. 04-56, § 2(22), 5-25-2004; Ord. No. 11-05, § 1(Exh. A), 1-11-2011; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

**Sec. 14-711. C-4 open display commercial district.**

(a) *Purpose and intent.* This district is intended for business uses which provide essential commercial services and support activities and may have higher environmental impacts in terms of noise, dust, glare, etc., which make them incompatible with the office or retail character of the other business districts. This district is intended for on-site production of handcrafted items in conjunction with retail sales. This district is also intended for businesses that combine wholesale and retail sales and that conduct extensive outdoor activities. This district is intended to function as a transition between industrial development and commercial development.

(b) *Permitted and conditional uses.*

<i>Permitted Uses</i>	<i>Conditional Uses</i>
Advertising agency	Animal boarding kennel
Appliance/equipment repair	Animal pound
Armored car carrier	Beer bars
Artist's studio	Campground
ATM machines	Club or lodge with alcohol
Auction house	College housing
Auditorium	Convenience store with gas
Auto auction	Gas, bottled
Auto parks and supplies	Golf course
Bait shop	Heliport
Bakery shop	Junkyard or salvage yard
Bar, lounge or tavern	Laboratory
Barbershop or beauty shop	Motor freight terminal
Bed and breakfast	Moving and storage
Bicycle shop	Nursing or convalescent home
Billiard and pool parlor	School, private
Bindery	Self-service storage
Boat sales and service	Skate park, indoor or outdoor
Book/stationery store	Small animal kennel/boarding
Broadcast studio	Veterinarians with boarding
Building materials, general	
Bus station	
Business office (general)	
Business trades (plumbing, heating and air conditioning)	
Cabinet or woodwork shop	
Camera shop	
Carwash	
Carpet sales	
Catalog sales	
Catering service	
Cemetery and accessory uses	
China shop	
Church	
City or county jail	
Clinic (medical, dental or optical)	
Community center	
Cosmetic sales	
Costume rental	
Dance studio	
Data processing machine sales and service	
Day care center	
Dental supplies	
Drapery shop	
Drugstore with drive-through	
Dry cleaner/laundromat	
Electrical and gas appliances	
Engraver	
Entertainment, indoor	
Entertainment, outdoor	

<i>Permitted Uses</i>	<i>Conditional Uses</i>
Farm equipment and supplies Financial institution Fire station Fitness/health spa Florist shop Food specialty store Frozen food locker Furniture repair Garden supplies General merchandise store Go-cart track Golf range Governmental services Grocery store Group homes, transient Gunsmith Gymnasium, public Health food store Hearing aids Hospital Hotel or motel Ice machines/ice plants Interior decorating Jail Jewelry store or repair Key shop Landscape/nursery services Laundromat, public Leather goods and luggage Library, museum, etc. Linen supply and industrial laundry Locksmith Lumberyard, with or without sales Medical sales and service Miniature golf Mobile home sales Mortuary or funeral home Music instruments News and magazine stands Office furnishing Package liquor store Paint and wallpaper store Park, public Parking, lot/garage Pawnshop Pest control Pet store Photography studio Picture framing Planetarium Print shop Reservoir, wet or dry detention Restaurant Retail sales, general (see conditional uses) Roofing, sales and repair	

<i>Permitted Uses</i>	<i>Conditional Uses</i>
Sales office, general School, public Seasonal sales Secondhand store Sewing shop, custom Shoe repair Shoe store Sign painting Swimming pool, water park Taxidermist Tennis courts, commercial Trailer-camping, sales Transportation services Travel agency Trucking establishments Utility facilities Vehicle rental Vehicle sales and service Vending machines, sales and service Watch repair Water treatment storage facility Watershed conservation/flood control	

(c) *Use limitations.*

- (1) No motor vehicle repair or maintenance work shall take place outdoors within 200 feet of the boundary of any residential district.
- (2) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved with a solid type surface.
- (3) No vibration, glare or heat shall be detectable at the district boundary line.
- (4) All uses shall operate in accordance with the noise standards contained in chapter 18, article II, pertaining to noise.

(d) *Bulk and intensity of use regulations.*

- (1) *Maximum structure height:* 85 feet.
- (2) *Minimum yard requirements:*
  - a. *Front yard:* 65 feet.
  - b. *Interior side yard:* 15 feet.
  - c. *Exterior side yard:* 45 feet.
  - d. *Rear yard:* 15 feet.

- (3) *Maximum building coverage (including accessory buildings):* 40 percent

(e) *Open space requirements.*

- (1) *Minimum open space:* Not less than 20 percent of the gross site area shall be devoted to open space including required yards and bufferyards unless modified by the city planning commission. Open space shall not include areas covered by buildings, structures, parking, storage, loading and other paved areas and internal streets or areas containing plants for display and sale. Open space shall contain living ground cover and other landscaping materials.
- (2) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total area unless modified by the city planning commission.

(f) *Design requirements.*

- (1) A site plan meeting the requirements of the city large-scale development ordinance (article III of this chapter) shall be submitted and approved.
- (2) A landscape plan meeting the requirements of article III of this chapter shall be submitted and approved.
- (3) All off-street parking and vehicular use areas shall be screened from all residential uses.
- (4) Refuse storage areas shall be screened from view.
- (5) Mechanical and electrical equipment, including air conditioning units, shall be screened from view.
- (6) Lighting shall be designed to reflect away from any adjacent residential areas.

(g) *Bufferyard requirement.* Whenever any development in the C-4 district is located adjacent to a different zoning district, screening and a bufferyard shall be provided as required by the city planning commission.

(h) *Off-street parking.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
Hotels and motels	1 space is required per guestroom. For developments larger than 20 rooms, 11 parking spaces must be provided for each 10 rooms or fraction thereof for employees and nonguest users patronizing meeting rooms, and other facilities, but not including restaurants
OFFICE AND INSTITUTIONAL USES	
Hospitals, sanitariums, convalescent homes (and similar uses or establishments)	1 space for each bed
Auditoriums, arenas, theatres (and similar places of public assembly)	1 space for each four seats
Church sanctuary	1 space for each four seats based on maximum seating capacity in the principal assembly room; provided, however, that churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand
Lodge halls, exhibition halls, clubs (and similar places of public assembly)	1 space per 200 square feet of net floor area
Nursery, kindergarten and day care centers	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary school (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom

Business and professional office (and similar use or establishment)	1 space per 300 square feet of net floor area. For structures larger than 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken of the remaining net floor area: 10,001—20,000 square feet: 95 percent of requirement 20,001—30,000 square feet: 90 percent of requirement 30,001—40,000 square feet: 85 percent of requirement 40,001 square feet and up: 80 percent of requirement
<b>COMMERCIAL USES</b>	
General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken off the remaining net floor area: 10,001—20,000 square feet: 95 percent of requirement 20,001—30,000 square feet: 90 percent of requirement 30,001—40,000 square feet: 85 percent of requirement 40,001 square feet and up: 80 percent of requirement
Bowling alleys	6 spaces for each lane
Restaurants (and similar establishments serving food and beverages)	1 space per each 4 occupants at the maximum permitted occupancy allowed under building code and 1 space per employee based on the largest shift
Drive-through commercial facilities	In addition to the other parking space requirements, holding or stacking spaces for each service window. Each stacking space shall be no less than 10 feet wide by 20 feet long
Food stores, supermarkets and convenience type grocery stores	1 space for each 200 square feet of net building area; or use the reduction permitted under general business and retail sales
Personal service establishments (barbershops, beauty shops and similar uses)	1 space per each employee plus 1 space per each station
Automotive services (service stations, garages, automobile washing facilities and similar uses)	5 spaces plus 1 space for each 200 square feet of net building area

(i) *Loading space standards.*

Floor Area (square feet)	Loading Spaces Required
5,000—25,000	1
25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
For each additional 90,000	1 added space

(Code 1997, § 130-35; Ord. No. 04-56, § 2(23), 5-25-2004; Ord. No. 09-03, § 1, 2-2-2009; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012; Ord. No. 12-126, § 1(Exh. A), 12-11-2012)

**Sec. 14-712. W-O warehouse-office district.**

(a) *Purpose and intent.* This district is established to provide areas within the city for a wide range of business that require an area for display of goods as well as a warehouse area for storage of these goods. The office functions may be independent of or within the display area. This district is situated close to other industrial and commercial areas and is intended to be located along arterial and collector streets as identified by the street master plan.

(b) *Permitted and conditional uses.*

Permitted Uses	Conditional Uses
Appliance/equipment repair	Boat sales and service
Armored car carrier	Club or lodge with alcohol
Bindery	College housing
Building materials, general	Furniture repair
Business trades (i.e., plumbing, heating and air conditioning)	Office furnishings
Cabinet or woodwork shop	Pest control
Carpentry sales	Railroad terminal
Dental supplies	Vehicle rental
Electrical and gas appliances	Sand, gravel, earth, sales/storage
	School, private
	Self-service storage
	Vehicle sales and service
	Roofing, sales and repair

Permitted Uses	Conditional Uses
Electrical equipment manufacturing	
Fire station	
Frozen food locker	
Gunsmith	
Heating equipment manufacturing	
Locksmith	
Lumberyard with or without sales	
Motor freight terminal	
Moving and storage	
Paint and wallpaper store	
Park, public	
Print shop	
Reservoir, wet or dry detention	
School, public	
Toy manufacturing	
Transportation equipment manufacturing	
Trucking establishments	
Utility facilities	
Vending machines, sales and maintenance	
Veterinarians with boarding	
Veterinary clinic	
Water treatment/storage plant	
Watershed conservation or flood control plant	

(c) *Use limitations.*

- (1) All activities and permitted uses, except off-street parking and loading facilities, shall be conducted entirely within a completely enclosed building.
- (2) No outdoor storage of products, materials or supplies, except refuse disposal areas, shall be permitted.
- (3) No building shall be used for residential purposes, except for a guard, caretaker or other person employed on the premises.

(d) *Bulk regulations.*

- (1) *Maximum height:* 40 feet.
- (2) *Minimum yard requirements (additional bufferyard may be required by the city planning commission):*
  - a. *Front yard:* 60 feet.
  - b. *Interior side yard:* 25 feet.
  - c. *Exterior side yard:* 45 feet.

d. *Rear yard:* 25 feet. Rear setback will be adequate for semitruck maneuvering on site without using public streets, if loading docks are located at the rear of the building. Truck access to warehouse loading or unloading areas may be independent of customer or visitor parking areas.

(3) *Maximum lot coverage:* 40 percent.

(e) *Open space requirements.*

- (1) *Minimum open space:* Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified by the city planning commission. Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
- (2) *Maximum impervious surface:* The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total lot area unless modified by the city planning commission.

(f) *Design requirements.*

- (1) A site plan meeting the requirements of the city large-scale development ordinance (article III of this chapter) shall be submitted and approved.
- (2) A landscape plan meeting the requirements of article III of this chapter shall be submitted and approved.
- (3) All off-street parking and vehicular use areas shall be screened from all residential uses.
- (4) Refuse storage areas shall be screened from view.
- (5) Mechanical and electrical equipment, including air conditioning units, shall be screened from view.

- (6) Lighting shall be designed to reflect away from any adjacent residential area.

(g) *Bufferyard regulations.* Whenever any development in the W-O district is located adjacent to a different zoning district, screening and a bufferyard shall be provided as determined by the city planning commission.

- (h) *Off-street parking.*

RESIDENTIAL	
Roominghouses, dormitories, fraternities, and sororities, boardinghouses (and similar uses and establishments)	1 space per sleeping accommodation
OFFICE AND INSTITUTIONAL USES	
Lodge halls, exhibition halls, clubs (and similar places of public assembly)	1 space per 200 square feet of net floor area
Nursery, kindergarten and day care centers	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
College, university	1 space for each 300 square feet of net floor area, or 1 space per 4 students, whichever is greater
Business and professional office (and similar use or establishment)	1 space per 300 square feet of net floor area. For structures larger than 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken of the remaining net floor area: 10,001—20,000 square feet: 95 percent of requirement 20,001—30,000 square feet: 90 percent of requirement 30,001—40,000 square feet: 85 percent of requirement 40,001 square feet and up: 80 percent of requirement

COMMERCIAL USES	
General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be proved and the following percent shall be taken off the remaining net floor area: 10,001—20,000 square feet: 95 percent of requirement 20,001—30,000 square feet: 90 percent of requirement 30,001—40,000 square feet: 85 percent of requirement 40,001 square feet and up: 80 percent of requirement
Automotive services (service stations, garages, automobile washing facilities and similar uses)	5 spaces plus 1 space for each 200 square feet of net building area
Manufacturing, processing and wholesaling (and similar uses or establishments)	1 space per 600 square feet of net floor area
Warehouse and storage	5 spaces plus 1 space per 2,000 square feet of net floor area up to 50,000 square feet; then, in addition to the above requirement, 1 space per 10,000 square feet above 50,000 square feet or portion thereof

- (i) *Loading space standards.*

Floor Area (square feet)	Loading Spaces Required
5,000—25,000	1
25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
For each additional 90,000	1 added space

(Code 1997, § 130-36; Ord. No. 04-56, § 2(24), 5-25-2004; Ord. No. 10-17, § 1(Exh. A), 2-9-2010; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

### Sec. 14-713. I-1 light industrial district.

(a) *Purpose and intent.* The I-1 light industrial district is intended to allow industrial operations and activities that do not create appreciable nuisances or hazards. It also is to provide areas within the city for the storage and transfer of goods. All industrial operations and activities are permitted provided they are conducted inside a

building, although related outdoor storage and display are permitted. This district is situated close to heavy commercial and industrial areas and is intended to be located along rail lines and arterial and collector streets as identified by the master street plan.

(b) *Permitted and conditional uses.*

<i>Permitted Uses</i>	<i>Conditional Uses</i>
Airports and accessory uses	Animal products processing plant
Animal boarding kennel	Bulk fuel station/material storage
Appliance/equipment repair	Canning
Armored car carrier	Chemical manufacturing
Auction house	Churches
Auditorium	Club or lodge with alcohol
Auto parts and supplies	Communication tower
Bakery shop	Convenience store with gas
Bakery, wholesale	Dance studio
Barbershop or beauty shop	Day care center
Bed and breakfast	Fairgrounds
Bindery	Food/grain processing
Boat sales and service	Gas, bottled
Brewing and distilling	Gymnasium, public
Broadcast studio	Helipoint
Building materials, general	Incinerators
Business office	Indoor entertainment
Business trades (i.e., plumbing, heating and air conditioning)	Industrial uses involving chemicals, combustible materials, etc.
Cabinet or woodwork shop	Junkyard or salvage yard
Carwash	Miniature golf
Carpet sales	Office furnishings
Catering service	Outdoor entertainment
Cemetery and accessory uses	Power plant
College housing	Railroad shop
Construction business/yard	Recycling and reclamation
Dental supplies	Sawmill and byproducts sales
Electrical and gas appliances	School, private
Electrical equipment manufacturing	Septic tank service
Engraver	Skate park, indoor or outdoor
Equipment manufacturing	Small animal kennel/boarding
Equipment repair	Taxidermist
Factory	
Farm equipment and supplies	
Feed store	
Fire station	
Frozen food locker	
Furniture repair	
Group homes, transient	
Gunsmith	
Heating equipment manufacturing	
Ice machines/ice plants	

<i>Permitted Uses</i>	<i>Conditional Uses</i>
Jail	
Laboratory	
Landscape/nursery business	
Laundromat, public	
Linen supply and industrial laundry	
Locksmith	
Lumberyard with or without sales	
Manufacturing plant	
Masonry/stone business	
Medical sales and service	
Mobile home sales	
Motor freight terminal	
Moving and storage	
Paint and wallpaper store	
Park, public	
Parking lot/garage	
Pest control	
Print shop	
Railroad terminal	
Reservoir, wet or dry detention	
Roofing, sales and repair	
Sales office, general	
Sand, gravel, earth sales/storage	
School, public	
Seasonal sales	
Secondhand store	
Self-service storage	
Sewage treatment plant	
Sewing shop, custom	
Toy manufacturing	
Train station	
Transportation equipment manufacturing	
Transportation services	
Trucking establishments	
Utility facilities	
Vehicle assembly	
Vehicle rental	
Vehicle sales and service	
Vending machines, sales and service	
Veterinarians with boarding	
Veterinary clinic	
Watershed conservation/flood control plant	

(c) *Use limitations.*

- (1) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property except property located in the I-1 and I-2 district.

- (2) All outdoor storage shall be at least 100 feet from any residential district boundary.
- (3) No use shall emit an odor that creates a nuisance.
- (4) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises may reside on the premises.

(d) *Bulk regulations.*

- (1) *Maximum structure height:* 50 feet.
- (2) *Minimum yard requirements (additional bufferyard may be required by the city planning commission):*
  - a. *Front yard:* 50 feet.
  - b. *Interior side yard:* 25 feet.
  - c. *Exterior side yard:* 50 feet.
  - d. *Rear yard:* 25 feet.

- (3) *Maximum lot coverage:* 50 percent.

(e) *Open space requirements.*

- (1) *Minimum open space:* Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified by the city planning commission. Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
- (2) *Maximum impervious surface:* The combined area occupied by all main and accessory buildings and structures, parking, storage, loading and other paved areas shall not exceed 80 percent of the total lot area unless modified by the city planning commission.

(f) *Design requirements.*

- (1) A site plan meeting the requirements of the city large-scale development ordinance (article III of this chapter) shall be submitted and approved.

- (2) A landscape plan meeting the requirements of article III of this chapter shall be submitted and approved.

- (3) All off-street parking and vehicular use areas shall be screened from all residential uses.

- (4) Refuse storage areas shall be screened from view.

- (5) Mechanical and electrical equipment, including air conditioning units, shall be screened from view.

- (6) Lighting shall be designed to reflect away from any adjacent residential area.

(g) *Bufferyard regulations.* Whenever any development in the I-1 light industrial district is located adjacent to a different zoning district, screening and a bufferyard shall be provided as required by the city planning commission.

(h) *Off-street parking.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
Roominghouses, dormitories, fraternities, and sororities, boardinghouses (and similar uses and establishments)	1 space per sleeping accommodation
OFFICE AND INSTITUTIONAL USES	
Lodge halls, exhibition halls, clubs	1 space per 200 square feet of net floor area
Nursery, kindergarten and day care centers	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary school (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
College, university	1 space for each 300 square feet of net floor area, or 1 space per 4 students, whichever is greater

Business and professional office (and similar use or establishment)	1 space per 300 square feet of net floor area. For structures larger than 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken of the remaining net floor area: 10,001—20,000 square feet: 95 percent of requirement 20,001—30,000 square feet: 90 percent of requirement 30,001—40,000 square feet: 85 percent of requirement 40,001 square feet and up: 80 percent of requirement
<b>COMMERCIAL USES</b>	
General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be proved and the following percent shall be taken off the remaining net floor area: 10,001—20,000 square feet: 95 percent of requirement 20,001—30,000 square feet: 90 percent of requirement 30,001—40,000 square feet: 85 percent of requirement 40,001 square feet and up: 80 percent of requirement
Drive-through commercial facilities	In addition to the other parking space requirements, holding or stacking spaces for each service window. Each stacking space shall be no less than 10 feet wide by 20 feet long
Personal service establishments (barbershop, beauty shops and similar uses)	1 space per each employee plus 1 space per each station
Automotive services (service stations, garages, automobile washing facilities and similar uses)	5 spaces plus 1 space for each 200 square feet of net building area
Manufacturing, processing and wholesaling (and similar uses or establishments)	1 space per 600 square feet of net floor area
Warehouse and storage	5 spaces plus 1 space per 2,000 square feet of net floor area up to 50,000 square feet; then, in addition to the above requirement, 1 space per 10,000 square feet above 50,000 square feet or portion thereof

(i) *Loading space standards.*

Floor Area (square feet)	Loading Spaces Required
5,000—25,000	1
25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
For each additional 90,000	1 added space

(Code 1997, § 130-37; Ord. No. 04-56, § 2(25), 5-25-2004; Ord. No. 09-03, § 1, 2-2-2009; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012; Ord. No. 12-126, § 1(Exh. A), 12-11-2012)

**Sec. 14-714. I-2 heavy industrial district.**

(a) *Purpose and intent.* This district is intended for heavy industrial uses and other uses not otherwise provided for in the other industrial districts. The intensity of uses permitted in this district makes it necessary to separate it from all residential districts wherever possible with good accessibility provided to major rail, air facilities and highways, areas zoned I-2 are intended to be at least five acres in size.

(b) *Permitted and conditional uses.*

Permitted Uses	Conditional Uses
Animal boarding kennel	Animal products processing plant
Bakery, wholesale	Bulk fuel station/material storage
Brewing or distilling	Canning
Building materials, general	Chemical manufacturing
Business office	Church
Business trades (i.e., plumbing, heating and air conditioning)	Club or lodge with alcohol
Cabinet or woodwork shop	Communication tower
College housing	Convenience store with gas
College dormitory	Dance studio
Construction business/yard	Fairgrounds
	Food/grain processing

<i>Permitted Uses</i>	<i>Conditional Uses</i>
Electrical equipment manufacturing	Gas, bottled
Equipment manufacturing	Heliport
Factory	Incinerators
Fire station	Industrial uses involving chemicals, combustible materials, etc.
Frozen food locker	Landfill
Gunsmith	Landscape/nursery services
Heating equipment manufacturing	Mining/quarry operations
Ice machines/ice plants	Outdoor entertainment
Junkyard or salvage yard	Packing plant
Laboratory	Power plant
Lumberyard with or without sales	Practice range
Masonry/stone business	Recycling/reclamation
Park, public	Sawmill and byproducts sales
Railroad terminal	School, private
Railroad shop	Septic tank service
Reservoir, wet or dry detention	Zoo
Sand, gravel, or earth sales or storage	
School, public	
Storage buildings	
Toy manufacturing	
Train station	
Transportation equipment manufacturing	
Trucking establishments	
Utility facilities	
Vehicle assembly	
Vehicle rental	
Vehicle sales and service	
Water treatment/storage plant	
Watershed conservation or flood control plant	

(c) *Use limitations.*

- (1) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises may reside on the premises.
- (2) No junkyard, scrapyards, salvage yard, or automobile wrecking yard shall be located within 500 feet of any residential district.
- (3) All uses shall operate in accordance with the noise standards contained in the city noise ordinance.
- (4) No use shall emit an odor that creates a nuisance.

(d) *Bulk regulations.*

- (1) *Maximum height:* 75 feet.

- (2) *Minimum yard requirements (additional bufferyard may be required by the city planning commission):*

- a. *Front yard:* 100 feet.
- b. *Interior side yard:* 50 feet.
- c. *Exterior side yard:* 100 feet.
- d. *Rear yard:* 50 feet.

- (3) *Maximum building coverage:* 50 percent.

(e) *Open space requirements.*

- (1) *Minimum open space:* Not less than 15 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified by the city planning commission. Open space shall not include areas covered by building, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
- (2) *Maximum impervious surface:* The combined area occupied by all main and accessory buildings or structures, parking storage, loading and other paved areas shall not exceed 85 percent of the total lot area unless modified by the city planning commission.

(f) *Design requirements.*

- (1) A site plan meeting the requirements of the city large-scale development ordinance (article III of this chapter) shall be approved.
- (2) A landscape plan meeting the requirements of article III of this chapter shall be approved.
- (3) All off-street parking and vehicular use areas shall be screened from all residential uses.
- (4) Refuse storage areas shall be screened from view.
- (5) Mechanical and electrical equipment, including air conditioning units, shall be screened from view.

- (6) Lighting shall be designed to reflect away from any adjacent or nearby residential areas.

(g) *Bufferyard regulations.* Whenever any development in an I-2 district is located adjacent to any other district, screening and a bufferyard shall be provided as required by the city planning commission.

(h) *Off-street parking.* Ample space must be provided for trucks to load and maneuver off the public right-of-way.

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
Roominghouses, dormitories, fraternities, and sororities, boardinghouses (and similar uses and establishments)	1 space per sleeping accommodation
OFFICE AND INSTITUTIONAL USES	
Lodge halls, exhibition halls, clubs (and similar places of public assembly)	1 space per 200 square feet of net floor area
Nursery, kindergarten and day care centers	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary school (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
College, university	1 space for each 300 square feet of net floor area, or 1 space per 4 students, whichever is greater

Business and professional office (and similar use or establishment)	1 space per 300 square feet of net floor area. For structures larger than 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken of the remaining net floor area: 10,001—20,000 square feet: 95 percent of requirement 20,001—30,000 square feet: 90 percent of requirement 30,001—40,000 square feet: 85 percent of requirement 40,001 square feet and up: 80 percent of requirement
COMMERCIAL USES	
General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken off the remaining net floor area: 10,001—20,000 square feet: 95 percent of requirement 20,001—30,000 square feet: 90 percent of requirement 30,001—40,000 square feet: 85 percent of requirement 40,001 square feet and up: 80 percent of requirement
Drive-through commercial facilities	In addition to the other parking space requirements, holding or stacking spaces for each service window. Each stacking space shall be no less than 10 feet wide by 20 feet long
Automotive services (service stations, garages, automobile washing facilities and similar uses)	5 spaces plus 1 space for each 200 square feet of net building area
Manufacturing, processing and wholesaling (and similar uses or establishments)	1 space per 600 square feet of net floor area
Warehouse and storage	5 spaces plus 1 space per 2,000 square feet of net floor area up to 50,000 square feet; then, in addition to the above requirement, 1 space per 10,000 square feet above 50,000 square feet or portion thereof

(i) *Loading space standards.*

<i>Floor Area (square feet)</i>	<i>Loading Spaces Required</i>
5,000—25,000	1
25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
For each additional 90,000	1 added space

(Code 1997, § 130-38; Ord. No. 04-56, § 2(26), 5-25-2004; Ord. No. 09-03, § 1, 2-2-2009; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012; Ord. No. 12-126, § 1(Exh. A), 12-11-2012)

**Sec. 14-715. CU condominium unit district.**

(a) *Purpose and intent.* The condominium unit district is established to allow multiple ownership of a building and or property utilizing the zero lot line and townhouse concepts. This district must be used in combination with another district to establish the land use limitations and the maximum density of development. These district combinations shall be located in those areas of the city where adequate facilities either exist prior to development or can be provided in conjunction with development and where the proposed development is compatible with the surrounding environment.

(b) *District combinations.* The CU district may be used in combinations with all districts.

(c) *Density and use limitations.* The density and land use shall be the same as the density and land use permitted in the district used in combinations with the CU district.

(d) *Other requirements.* All of the other requirements such as height, area, regulations, off street parking, and signs shall be the same as the district with which the CU district is being combined. The only exception is the minimum land area for use of the CU district shall be one acre.

(e) *Large-scale development.* All CU district designated development whether new or modification shall be subject to the requirements of the city large-scale development code (article III of this chapter).

(f) *Protective covenants.* At the time of application for a large-scale development plan approval for a CU designated district, the developer shall submit protective covenants or restrictions which shall be applicable to the development and which shall provide for a means of financing the maintenance of any common areas and buildings. In addition, the protective covenants or restrictions shall limit the use of the property and improvements so as to prohibit extraordinary or unusual risks to persons or property in the development caused by the particular use of any unit of the development. Said covenants, as approved by the commission, shall be properly recorded prior to issuance of any building permit.

(Code 1997, § 130-39; Ord. No. 04-56, § 2(27), 5-25-2004)

**Sec. 14-716. PUD planned unit development.**

(a) *Purpose and intent.* A planned unit development (PUD) is a comprehensively planned residential, commercial, office, or office-warehouse land development project in which the standard requirements of the zoning ordinance and subdivision regulations may be varied to permit design flexibility, building clustering, grouping of open space, increased density, and alternative to public facility improvements.

(b) *Approval requirements.* To be approved, a planned unit development (PUD) must comply with the provisions of this section and must achieve the following purposes:

- (1) More efficient use of land;
- (2) More efficient use of public facilities;
- (3) More usable open space through structure grouping and other design techniques; and
- (4) Preservation of appropriate natural and/or physical features.

(c) *Denial of a PUD.* The planning commission in its review of the conditional use request and concept plan may deny the use of the PUD provision for the following reasons.

- (1) The PUD plan did not achieve the stated purposes;
- (2) The proposed PUD was incomplete;

- (3) The PUD plan was incompatible with the surrounding area;
  - (4) Sufficient public facilities and services were not available to the proposed site; and
  - (5) The proposed development would create or compound a traffic hazard.
- (d) *Administration.*
- (1) *Authorization and permitted uses.* PUDs are authorized in all zoning districts except A-1, I-1, and I-2.
  - (2) *Principal uses.* The principal land uses in a planned unit development shall be those permitted in the underlying zoning districts involved or those uses permitted in more restrictive zoning districts (i.e., in a commercial district, a planned unit development could be dominated by shopping facilities or dwelling units, but in a multifamily residential district, the predominant land use shall be dwelling units).
  - (3) *Accessory uses.* Accessory uses which are customarily incidental to the principal uses of the PUD are permitted. Accessory signs shall comply with the provision of the underlying zoning district except as hereinafter provided for accessory commercial uses. Within a PUD in a residen-

tial district, accessory commercial uses may be included in accordance with the following provisions:

a. In developments proposing commercial uses as a part of the PUD within a residential district, the following factors shall be considered:

1. The relationship of the proposed commercial use to:
  - (i) The land parcel (both as to boundary, shape, and topographic and other physical features);
  - (ii) Surrounding land and land uses which are impacted by the proposed development; and
  - (iii) The overall arrangement of the proposed development.
2. The nature of the commercial use as it applies to providing service, convenience and benefit to the residents of the PUD.

b. In developments proposing more than one business, the aggregate floor area of the commercial uses shall not exceed 50 square feet per dwelling unit.

c. Each commercial establishment shall be limited to a maximum of 3,500 square feet of floor space.

d. Commercial signs shall be limited to one nameplate of not more than 16 square feet for each establishment. Nameplates shall be attached flat against a building wall and shall not be animated, flashing, or have other than indirect illumination. Window signs shall not be permitted.

e. The commercial area shall be designed primarily for the service, convenience, and benefit of the residents of the PUD, however, a commercial establishment may be permitted which is designed to serve patrons both inside and outside the

development if it is determined that a land use problem is not likely upon consideration of the items listed.

f. Commercial uses at locations where the underlying zoning is other than commercial shall be considered only when the PUD exceeds 100 dwelling units.

(e) *Approval.*

(1) Within 30 days of receipt of a PUD conceptual plan by the planning authority, such office shall review the proposal and schedule a public hearing before the planning commission, with appropriate notice to the developer. With public hearing review and planning authority recommendations the planning commission will approve, disapprove, or approve with conditions the conceptual plan. The reasons for disapproval or the conditions of approval shall be put in writing and provided to the developer. If approved, or approved with conditions, the developer will be free to proceed with a preliminary PUD plan.

(2) Preliminary PUD plan and final PUD plan approval will follow the procedures laid out in the large-scale development and subdivision ordinances of the city (articles III and V of this chapter).

(f) *Changes within a PUD.* Minor changes caused by conditions unforeseen at the times of approval may be authorized by the planning authority without planning commission approval. These changes include, but are not limited, to: structure location, structure character, location of sidewalks, trails, street lighting, parking, and changes in landscaping. All other changes within the opinion of the planning authority or planning commission are major changes must be approved by the planning commission.

(g) *PUD size.* The minimum land area for a PUD is five acres.

(h) *Density.*

(1) The dwelling unit density shall be the density allowed in the zoning district which

governs the principal use. If more than one zoning district permitting residential uses is involved, then the maximum number of dwelling units shall be the combined total of all districts, each district being calculated separately according to its land area times the density of the zoning district covering that land area.

- (2) In addition to the dwelling unit density otherwise permitted, the following density bonus is provided for additional open space.

Percent Open Space (Gross Land Area)	Permitted Dwelling Units per Acre
35	7.5
40	8.00
45	8.50
50	9.00

- (3) In all districts where residential uses are permitted, one additional dwelling unit may be permitted on each additional 2,200 square feet of additional setback area measured from the existing R-SF district. Only one of the above density bonus methods may be granted by the planning commission for any PUD.

(i) *Perimeters.*

- (1) When a PUD has a common perimeter with a property in a commercial or industrial development, the following graduated setbacks shall apply to the external perimeter common to the PUD and such districts or development.
- (2) When a PUD has a common perimeter with a property in a commercial or industrial development, the following graduated setbacks shall apply to the external perimeter common to the PUD and such districts or development.
- (3) Type of perimeter PUD development.
  - a. Single-family: 25 feet.
  - b. Duplex or patio home: 50 feet.
  - c. Multifamily: 75 feet.
  - d. Nonresidential: 100 feet.

- (4) External setbacks when a PUD abuts any other zoning district or development (including another PUD) shall be the same as that provided by the zoning ordinance for those abutting zones. In addition, any single structure containing two or more units exceeding one story, shall be set back an additional one foot for each one foot of height over 35 feet when adjacent to property in a residential district.
- (5) Internal spacing between structures shall be a minimum of ten feet, measured to the nearest point of the structure.

(j) *PUD expansion; variance.* The planning commission may vary the requirements of this article, of the city's zoning regulations, or of the city's subdivision regulations:

- (1) Due to practical difficulties caused by terrain or other physical features; or
- (2) If the proposal offered by the developer protects the public health, safety, and welfare better than development according to the zoning regulations, or the subdivision regulations. Any variance granted by the planning commission shall become valid unless overruled by the city council within 21 days after the action of the planning commission. Any variance shall be stated in written form, either on the plat or as a signed document to be recorded with the plat.

(k) *Lot splits within a PUD.* Following planning commission approval of the final PUD plan, the planning administrator may approve an unlimited number of lot splits within a PUD provided the character or intent of the approved development is not being changed.

(l) *Enforcement.* No building permit shall be issued for development, which proposes a change from the approved preliminary development plan without the approval of the planning administrator or planning commission. No certification of occupancy shall be issued until the final development plan has been approved and filed of record in the county courthouse. If structural construction has not started within six months after issuance of a building permit, the developer will

be notified that the PUD approval will be revoked unless the developer shows good cause for the delay and the planning commission approves the extension. If the PUD approval is revoked and rezoning action was involved in the initial approvals, the planning commission may initiate action to return the original zoning to the property. All decisions by the building inspector or planning administrator related to PUDs may be appealed to the planning commission and all planning commission decisions may be appealed to the city council. The procedure for appeal shall be the same for an appeal for a rezoning decision.

(m) *Public hearing.* For all PUDs, a public hearing shall automatically be called coincidental with the concept plan review by the planning commission. Said public hearing shall be held following the same requirements, fees, and procedures for a rezoning hearing.

(n) *Notification.*

- (1) The developer must notify, by certified mail, return receipt requested, anyone who leases or owns property within 300 feet of the perimeter of the PUD, that a PUD proposal is pending. Said notification shall be mailed 15 days prior to the meeting at which the planning commission is to review the concept plan. The developer shall provide a copy of the notice of public hearing and the green receipt cards to the planning commission.
- (2) A copy of the mailing list and the green receipt cards from the mailout shall be furnished to the planning commission at the public hearing.

(o) *Review procedure; concept plan.* Whenever a developer intends to develop a PUD under the provisions of this article, he shall submit a concept plan and request for conditional use prior to initiating the detailed work involved in the preparation of a preliminary plat. The purpose of the concept plan is to allow the developer, the planning commission, and the general public to discuss the proposed development before a great deal of time and money are committed to any project.

- (1) The concept plan shall include the following:
  - a. Total area to be included in the PUD;

- b. Topography (USGS two foot intervals is sufficient);
- c. Public facilities to be provided;
- d. Areas with potential flood problems, wetlands, or any other features presenting development difficulty;
- e. Unique physical features;
- f. Nature of surrounding development;
- g. Nature and extent of tree cover;
- h. Nature of proposed development;
- i. Tentative street layout;
- j. Any other information deemed necessary by the planning commission;
- k. Filing fee;
- l. The developer shall submit 25 copies of the concept plan to the planning authority.

(2) Preliminary PUD plan. A preliminary PUD plan shall be submitted to the planning commission following the same procedures and requirements outlined in the subdivision regulations. In addition to the requirements of the subdivision regulations, the following information shall be submitted:

- a. An estimate of the number of units for sale and lease;
- b. Identification and size (acres or square feet) of all open space;
- c. Identification and location of all non-residential structures proposed in the PUD;
- d. All information relating to the establishment, operation, and perpetuation of the property owners association;
- e. Proposed protective covenants;
- f. Natural features;
- g. Written request for any desired variance from the zoning or subdivision regulations;
- h. Location, and size of all proposed parking areas and all pertinent information relating to access and main-

tenance. Maintenance of parking areas in a nonresidential PUD shall be the responsibility of the landowner, or a property owners' association and shall not be the responsibility of the city. The method for maintenance shall be established by the PUD covenants;

- i. Grading and drainage plans;
  - j. The developer shall submit 25 copies of the preliminary plan to the planning authority;
  - k. Filing fee.
- (3) Final PUD plan. A final PUD plan shall be submitted following the procedures and requirements in the subdivision regulations. In addition to the requirements of the subdivision regulations, the following information shall be submitted:
- a. Location of recreational facilities;
  - b. Proposed treatment and ownership of open spaces;
  - c. Relationship of dwelling units, recreation facilities and open spaces;
  - d. Grading plan and drainage plan;
  - e. Proposed trails, walks, waterbodies, and other special facilities;
  - f. A landscape or planting plan for both public and private open spaces;
  - g. Draft protective covenants and property owners' association agreement. Any property owners' association agreement shall apply to all property owners within the PUD and the protective covenants shall so provide;
  - h. Location, and size of all proposed parking areas and all pertinent information relating to access and maintenance. Maintenance of parking areas in nonresidential PUD shall be the responsibility of the landowner, or a property owners' association and shall not be the responsibility of the

city. The method for maintenance shall be established by the PUD covenants;

- i. The developer shall submit 25 copies of the final PUD plan to the planning authority;
  - j. Filing fees.
- (p) *Design standards.*
- (1) *Sidewalks.* As required by the current sidewalk ordinance (article IV, division 4 of this chapter).
  - (2) *Streetlights.* As required by the current subdivision ordinance (article V of this chapter).
  - (3) *Water.* As required by the current subdivision and large-scale development ordinances (articles IV and III of this chapter).
  - (4) *Sewer.* As required by articles III and IV of this chapter.
  - (5) *Parking.* As required by the current zoning and subdivision ordinances (articles V and VIII of this chapter).
  - (6) *Landscaping.* As required by all applicable landscape requirements of the city.
  - (7) *Streets.* Streets within the PUD may be public or private.
    - a. *Public streets.* Public streets shall be constructed according to the adopted standards of the city;
    - b. *Private streets.* Private streets within a PUD shall be permitted subject to the following conditions:
      - 1. Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting more than one public street shall be constructed to existing city standards and shall be dedicated as a public street.
      - 2. Subbase, base and paving shall meet city standards.

3. An adequate storm drainage system in accordance with the city drainage ordinance and master drainage plan, and approved by the planning authority shall be required for all private streets.
  4. Sidewalks shall be installed on both sides of all streets.
  5. Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.
  6. The plat of the planned development shall designate each private street as a private street.
  7. Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the city. The method for maintenance and a maintenance fund shall be established by the PUD covenants. The covenants shall expressly provide that the city is a third party beneficiary to the covenants and shall have the right to enforce the parties of the covenants. The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the city shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PUD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PUD for such cost. The protective covenants shall grant the city the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the city council.
  8. The width of private streets shall meet city standards.
  9. All of the traffic laws prescribed by the city shall apply to traffic on private streets within a PUD.
  10. The minimum building setback requirement from a private street shall be 20 feet from the back of the sidewalk in residential areas.
  11. The developer shall erect at the entrance to private streets a rectangular blue street name sign, indicating the street is a private street.
- (q) *Open space, residential.*
- (1) Open space. Each PUD shall provide at least 30 percent of the total land area within the residential part of the PUD as usable private or public open space. A minimum of at least one-half of the 30 percent open space shall be contiguous (in continuous connection). Land within the floodplain up to and including (ten-year frequency) and wetland may be counted as no more than 50 percent of the usable open space. Any area intended for active open space shall be minimum of 25 feet wide in its smallest dimension. Active open space is defined as an area intended for rigorous activity such as tennis, baseball, badminton, and other games requiring physical exertion. Passive open space may be any size. Passive open space is defined as an area intended for tranquil activities such as walking, sitting, observing and the less active games like shuffleboard and croquet. The following shall not be considered as usable open space:
    - a. The surface area of parking lots including driveways;

- b. The area occupied by structures excluding structures used for recreational purposes;
  - c. Any lot intended for private ownership; and
  - d. Street surface area.
- (2) All land proposed for public open space shall be approved by the city council prior to final approval of the PUD and upon transfer to the city shall thereafter become the maintenance responsibility of the city. Provisions shall be made for the maintenance and perpetuation of all proposed private open space.
- (3) Perpetuation of private open space. The PUD covenants shall expressly provide that the city is a third party beneficiary to the covenants and shall provide that no encroachment on, reduction of, or modification to the open space required shall be made without prior approval of the city council, irrespective of the vote of the other parties to the covenants.
- (4) Maintenance of private open space. The maintenance of all private open space shall be the responsibility of the developer or of a property owners association and the method for maintenance and maintenance fund shall be established in the PUD covenants. The covenants shall expressly provide that the city is a third party beneficiary to the covenants and that the city shall have the right to enforce the requirements for open space irrespective of the vote of the other parties to the covenants. All private open space shall be maintained in an appropriate manner. The term "appropriate manner" means a manner which does not violate city ordinances or constitute a hazard to the safety, health, or general welfare of the PUD residents or general public. The covenants shall provide that in the event private open space is not maintained as required by the covenants and this ordinance, the city shall have the right (but shall not be required) to maintain said open space and to charge all maintenance costs incurred by the city to the property owners within the PUD on a pro rated basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PUD for such costs.
- (5) Height. The height regulations of the various zoning districts shall apply and be in addition to the perimeter setbacks established in this article.
- (6) Natural features. Natural features such as bluffs and streams existing on a proposed PUD site shall be identified on both the concept and preliminary plat. Every effort shall be made to retain these natural features in open space. A grading plan will be required by the planning commission in cases where terrain is a critical factor. At a minimum, the grading plan shall show how drainage problems and erosion will be controlled, and will be shown on the preliminary PUD plan.
- (7) Signs. Erection and maintenance of all signs on private streets shall be the responsibility of the developer or a property owners association (POA). Following final approval of the PUD, the city will erect and maintain all street name signs and traffic control signs for public and private streets.
- (8) View protection. The planning commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to ensure the perpetuation of those views both within and without the PUD through protective covenants restrictions.
- (r) *Open space, commercial.*
- (1) Open space. Each PUD shall provide at least 20 percent of the total land area within the commercial part of the PUD as usable private or public open space. A minimum of at least one-half of the 20 percent open space shall be contiguous (in continuous connection). Land within the floodplain up to and including (ten-year

frequency) and wetland may be counted as no more than 30 percent of the usable open space. Any area intended for active open space shall be a minimum of 25 feet wide in the smallest dimension. Active open space is defined as an area intended for rigorous activity such as tennis, baseball, badminton, and other games requiring physical exertion. Passive open space may be any size. Passive open space is defined as an area intended for tranquil activities such as walking, sitting, observing, and the less active games like shuffleboard and croquet. The following shall not be considered as usable open space:

- a. The surface area of parking lots including driveways;
  - b. The area occupied by structures excluding structures used for recreational purposes;
  - c. Any lot intended for private ownership; and
  - d. Street surface area.
- (2) All land proposed for public open space shall be approved by the city council prior to final approval of the PUD and upon transfer to the city shall thereafter become the maintenance responsibility of the city. Provisions shall be made for the maintenance and perpetuation of all proposed private open space.
  - (3) Perpetuation of private open space. The PUD covenants shall expressly provide that the city is a third party beneficiary to the covenants and shall provide that no encroachment on, reduction of, or modification to the open space required shall be made without prior approval of the city council, irrespective of the vote of the other parties to the covenants.
  - (4) Maintenance of private open space. The maintenance of all private open space shall be the responsibility of the developer or of a property owners association and the method for maintenance and maintenance fund shall be established in the PUD covenants. The covenants shall expressly provide that the city is a third-party beneficiary to the covenants and that the city shall have the right to enforce the requirements for open space irrespective of the vote of the other parties to the covenants. All private open space shall be maintained in an appropriate manner. The term "appropriate manner" means a manner which does not violate city ordinances or constitute a hazard to the safety, health, or general welfare of the PUD residents or general public. The covenants shall provide that in the event private open space is not maintained as required by the covenants, the city shall have the right (but shall not be required) to maintain said open space and to charge all maintenance costs incurred by the city to the property owners within the PUD on a pro rated basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PUD for such costs.
  - (5) Height. The height regulations of the various zoning districts shall apply and be in addition to the perimeter setbacks established in this article.
  - (6) Natural features. Natural features such as bluffs and streams existing on a proposed PUD site shall be identified on both the concept and preliminary plat. Every effort shall be made to retain there natural features in open space.
  - (7) A grading plan will be required by the planning commission in cases where terrain is a critical factor. At a minimum, the grading plan shall show how drainage problems and erosion will be controlled, and will be shown on the preliminary PUD plan.
  - (8) Signs. Erection and maintenance of all signs on private streets shall be the responsibility of the developer or a property owners association (POA). Following final approval of the PUD, the city will erect

and maintain all street name signs and traffic-control signs for public and private streets.

- (9) View protection. The planning commission shall have the right to establish special height and/or positioning restriction where scenic views are involved and shall have the right to ensure the perpetuation of those views both within and without the PUD through protective covenant restrictions.

(s) *Construction of nonresidential facilities.* Prior to issuance of a building permit for more than eight residential units, for any PUD, all approved nonresidential facilities shall be constructed. In the event the developer proposes to develop the PUD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the city to guarantee completion of the nonresidential facilities.

(Code 1997, § 130-40; Ord. No. 04-56, § 2(28), 5-25-2004)

#### **Sec. 14-717. Sexually oriented businesses.**

(a) *Purpose and intent.* It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety and general welfare of the citizens of the city, and to establish reasonable and uniform regulations of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor the affect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor affect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market, unless otherwise restricted by law.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Adult arcade* means any place to which the public is permitted or invited wherein coin oper-

ated or slug-operated or electronically, electrically, or mechanically controlled image-producing devices are maintained to show images to five or fewer viewers at one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

*Adult bookstore* or *adult video store* means a commercial establishment whose principal business purpose is to offer for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films motion pictures, videocassettes, or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.

*Adult cabaret* means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) Persons who appear in a state of nudity;
- (2) Live performances which are characterized by the exposing of specified sexual activities or specified anatomical areas; or
- (3) Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction of specified sexual activities or specified anatomical areas.

*Adult motion picture theater* means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown, excluding those which are rated by the Motion Picture Association of America, which emphasize specified sexual activities.

*Adult theaters* means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appearing in a state of nudity of live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

*Nudity or state of nudity* means:

- (1) The appearance of the bare human buttocks, anus, male genitals, female genitals, or female breast.

- (2) A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.

*Residential district* means any land within the city limits zoned as R-E, R-SF, R-AH, R-DP, N-R, R-MF, R-MHC, R-RVP or R-O.

*Sexually oriented business* means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, or adult theater as the same are defined herein.

*Specified anatomical areas* means:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activities* means:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, or sodomy;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

(c) *Classification.* Sexually oriented businesses are classified as follows:

- (1) Adult arcade;
- (2) Adult bookstores and adult video stores;
- (3) Adult cabarets;
- (4) Adult motion picture theaters; and
- (5) Adult theaters.

(d) *Conditional use.* Sexually oriented businesses shall not be allowed in any zoning district except C-2 where they may be allowed as conditional use subject to the following:

- (1) No sexually oriented business may be operated within 660 feet of:
  - a. Church;

- b. Public or private elementary, middle school, secondary or post-secondary school, preschool or child care facility;
- c. Boundary of a residential district (R-E, R-SF, R-AH, R-DP, N-R, R-MF, R-MHC, R-RVP, R-O);
- d. Public park, family recreational center, bowling alley, or skating rink;
- e. Hospital; or
- f. Properties listed on the National Register of Historical Places or local historic districts as identified by the Arkansas Historic Preservation Program.

- (2) No sexually oriented business may be operated within 200 feet of any single-family or multiple-family residential use.

- (3) A person commits an offense if the person causes or permits the operation, establishment, or maintenance of a sexually oriented business within 660 feet of another sexually oriented business, or within 660 feet of any room, building, premises, place or establishment that sells or dispenses any alcoholic beverage, which means but is not limited to distilled spirits, wine or beer.

- (4) For the purposes of subsections (d)(1) and (2) of this section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the sexually oriented business to the nearest property line of any church, public or private elementary, middle school, secondary or post-secondary school, preschool or child care facility, public park, family recreation center, bowling alley, skating rink, residential district or any single-family or multiple-family residential use, hospital, properties listed on the national historic register or local historic districts as identified by the Arkansas Historic Preservation Program, place or establishment that sells or dis-

penses any alcoholic beverage as defined in subsection (d)(3) of this section, or any other sexually oriented business.

(e) *Penalties.*

- (1) Any person operating or causing to be operated any sexually oriented business in violation of any part of this section, upon conviction, is punishable by a fine not to exceed \$500.00.
- (2) If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed \$250.00 for each day that the same is unlawfully continued.
- (3) A person who operates or causes to be operated a sexually oriented business in violation of this section will be subject to a suit for injunction as well as prosecution for criminal violations.

(f) *Not rendered illegal.* A lawfully operating sexually oriented business shall not be rendered illegal by the subsequent location of a church, a public or private school, a preschool, a child care facility, a public park, a family recreation center, a bowling alley, a skating rink, residential zoning, a residential use, or an establishment selling or dispensing alcohol.

(Code 1997, § 130-58; Ord. No. 04-107, § 1, 9-28-2004)

**Sec. 14-718. Rules of interpretation of district boundaries.**

Where uncertainty exists as to the boundary of a district on the official zoning map, the following rules shall apply:

- (1) Boundaries indicated as following the centerlines of streets, alleys, railroads, streams, rivers or lakes shall be construed as following the centerlines;
- (2) Boundaries indicated as following plotted lot lines shall be construed as following the lot lines;
- (3) Boundaries indicated as following city limit lines shall be construed as following the city limit lines;

- (4) Distances not specifically indicated on the official zoning map shall be determined by the scale of the map; and

- (5) Where a line cannot be determined by the rules above the planning commission shall decide the location of the line.

(Code 1997, § 130-41; Ord. No. 04-56, § 2(29), 5-25-2004)

**Sec. 14-719. Nonconforming lots, uses of land, structures, and uses of structures and premises.**

(a) *Statement of intent and purpose.* Within the districts established by this article or amendments that may later be adopted, if there exist lots, structures, or uses of land and structures which were lawful before the ordinance from which this article was derived was passed or amended, but which would be prohibited, regulated, restricted under the terms of this chapter or future amendment, it is the intent of this article to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of the chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(b) *Nonconforming use of structure and land in combination.* Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this chapter by attachment on a building premises or additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

(c) *Buildings and structures where construction has begun.* To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the ordinance from which this article is derived and upon which actual building construction has been carried out

diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

(d) *Nonconforming lots of record.*

- (1) In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot or record at the effective date of adoption or amendment of the ordinance from which this article is derived, notwithstanding limitations imposed by other provisions of this article. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even through such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the board of adjustments.
- (2) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of the ordinance from which this chapter is derived, and if all or parts of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this article, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this article.

(e) *Nonconforming uses of land (or land with minor structures only).* Where at the time of passage of the ordinance from which this article is derived lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

- (1) No such nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance from which this article is derived;
- (2) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the ordinance from which this article is derived;
- (3) If any such nonconforming use of land ceases for any reason for a period of more than 120 days, any subsequent use of such land shall conform to the regulations in which such land is located;
- (4) No additional structure not conforming to the requirements of this article shall be erected in connection with such nonconforming use of land.

(f) *Nonconforming structures.* Where a lawful structure exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived that could not be built under the terms of this chapter by reason of restrictions on areas, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

- (2) Single-family nonconforming structures in nonresidential zones may be allowed to expand only by planning commission action.

(Code 1997, § 130-42; Ord. No. 04-56, § 2(30), 5-25-2004)

**Sec. 14-720. Application of district regulations.**

(a) No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

(b) No building or structure hereafter erected or altered shall exceed the height, bulk, area, percent coverage, density, open space and yard requirements established in this chapter. No land shall be used other than in accordance with the requirements of this article. No existing yard or lot shall be reduced in dimension or area below the minimum requirements of this chapter. Yards and lots created after the passage of the ordinance from which this article is derived shall meet the minimum requirements of this chapter.

(c) No part of a yard, lot, other open space, parking or loading area required for one building, structure or use shall be counted for another building, structure or use.

(d) All land area annexed after the effective date of the ordinance from which this article is derived shall be zoned upon annexation as A-1 district unless the annexing ordinance of the city zones the property otherwise.

(e) Any lands subject to the jurisdiction of this article but not specifically included shall be considered A-1 district until rezoned otherwise.

(f) Any zoning district line which splits a lot of record existing at the time of passage of the ordinance from which this article is derived may be extended by the administrative officer to the whole lot line, provided the lot is one acre or less.

(g) Uses which were inadvertently omitted from the schedule of uses and new uses created after passage of the ordinance from which this article is derived may be added to the schedule of uses by resolution of the planning commission.

(Code 1997, § 130-43; Ord. No. 04-56, § 2(31), 5-25-2004)

**Sec. 14-721. General district regulations.**

(a) *Visibility at intersections.* At any intersection within the city, nothing will be erected, planted, placed or allowed to grow which impedes vision at the intersection between the height of 2½ feet and ten feet above the highest elevation of the road surface cross section of the intersection streets. This restriction shall apply in a triangle shaped area running 25 feet in each direction from the intersection curblines or roadway surface lines and a line connecting those two points. This restriction may be varied by the board of adjustments in the C-1 central business district.

(b) *Multiple structures on one lot.* More than one principal permitted structure shall be allowed on one lot in any zoning district provided each structure shall meet all zoning requirements as if it were a separate lot.

(c) *Access to public streets.* Every structure hereafter erected or moved shall be located on a lot which has frontage on a public street.

(d) *Accessory uses.* Accessory uses are allowed on any lot in any district provided that no accessory use shall be allowed in any required yard area or setback. Accessory uses shall not be established prior to the principal use without planning commission approval.

(e) *Height exceptions.* Certain building accessories and other structures are exempt from the height regulations of this article. Building accessories would include steeples, spires, belfries, cupolas, antennas, heating and cooling systems, ventilators and chimneys. The structures would include antennas, watertanks, chimneys and smokestacks. If the height of any building accessory or structure at its proposed location on the property exceeds the distance to the nearest property line, that building or structure shall be

reviewed and approved or denied by the planning commission. No freestanding cross or other type of religious symbol may be taller than 70 feet at the highest point from the ground.

(f) *Large-scale development.* Development of a residential nature is exempt from the large-scale development process in the R-SF, R-AH, and N-R districts. Any development in the A-1 district over 5,000 square feet is required to go through the large-scale development process. Any development with five or more dwellings units in the R-DP, R-MF, R-MHC, and R-RVP districts is required to go through the large-scale development process. Any development in the R-O, O, C-1, C-2, C-3, C-4, W-O, I-1, and I-2 districts is required to go through the large-scale development process. (Code 1997, § 130-44; Ord. No. 04-56, § 2(32), 5-25-2004)

#### **Sec. 14-722. Conditional uses.**

(a) Uses listed in the schedule of uses as "conditional in district" may be approved by the planning commission after a public hearing subject to the following:

- (1) Filing of an application by the property owner stating the use and district requested and payment of an application fee;
- (2) Notification to all property owners within 300 feet by certified mail, return receipt requested, publication of a public hearing notice in a local newspaper 15 days prior to the date of the public hearing, and placement of a sign on the property by the planning authority which gives notice of a public hearing 15 days prior to the public hearing;
- (3) Finding that the use is a conditional use in the district requested and that the property under application is zoned correctly;
- (4) Finding that the conditional use would be compatible with the adjacent property and uses would not set a precedent contrary to the city land use plan;

- (5) Finding that all other zoning requirements such as yards, off-street parking, lot width and screening and buffering can be met; and
- (6) Finding that ingress and egress for the proposed use will not create a traffic hazard.

(b) The planning commission may deny a conditional use if in its opinion any of the above conditions cannot be met.

(c) A conditional use once denied shall not be heard again (for the same conditional use on the same property) within a period of one year unless the applicant can show how the planning commission erred in its determination or that new information not available at the time of the public hearing has been discovered. A majority vote of the entire planning commission shall be required to rehear any conditional use.

(d) As a part of approving a conditional use, the planning commission may add conditions which will in its opinion carry out the preamble of the zoning ordinance.

(e) No decision of the planning commission granting a conditional use permit under this section shall become effective until after an elapsed prior of ten days from the date of the meeting during which time an appeal of the decision, whether to grant or to deny the permit, may be taken to the city council by filing a letter of appeal with the city clerk. The letter shall state the nature and grounds for the appeal. The following persons or entities may appeal: The applicant, or a property owner or leaseholder who owns or leases property within 300 feet of the property to which the conditional use applies. The city council shall hear such appeal, but shall confer with the planning commission before rendering a final decision. The city council may affirm, reverse or modify, in whole or in part, the action of the planning commission or may refer the matter back to the planning commission for further action.

(f) Once a conditional use is approved that conditional use is personal to the applicant and is limited to the location to which it was approved and may only be changed to another conditional

use through further action of the planning commission or city council. A conditional use may be changed to a use by right in the zoning district at any time. Once a conditional use is approved that use may continue so long as it abides by the findings of this subsection and any special conditions placed upon the use by the planning commission or city council.

(g) If a complaint is filed with the planning commission by an adjoining property owner or city employee concerning an alleged violation of a conditional use, the planning commission shall notify the property owner of the complaint and schedule a public hearing. If after the public hearing the planning commission finds a violation to exist and that violation is not corrected within 30 days, the planning commission may vote to discontinue the conditional use. The property owner shall be notified of the action of the planning commission and shall have 15 days from the date of the notice to discontinue the use or file an appeal with the city council.

(h) The filing of an appeal stays all proceeding and the city council shall make the final determination.

(i) Certain conditional uses which are temporary in nature such as carnival, religious revival, circus, amusement park, fruit/vegetable stand and other similar outdoor enterprises and real estate sales offices in a developing subdivision may be permitted by the administrative officer following the filing of an application and payment of a permit fee. The administrative officer shall specify on the application the hours of operation and duration of the use. All such uses such as carnival, circus and other outdoor activities, which involve lights and noise, shall not be allowed any closer than 500 feet to a dwelling unit.  
(Code 1997, § 130-45; Ord. No. 04-56, § 2(33), 5-25-2004)

### Sec. 14-723. Board of adjustment.

(a) *Organization.* The board of adjustment shall consist of at least five members who shall be selected by the mayor and confirmed by resolution of the city council. One member of the board of adjustment shall be a member of the city planning commission and the other members,

citizens at large. The members terms of office shall be for three years and shall be staggered. Vacancies on the board of adjustment shall be filled by selection of the mayor and confirmed by resolution of the city council. Members of the board of adjustment may be removed from office for cause after written notice from the mayor and public hearing by the city council. The board shall establish its own rules of procedure covering, but not limited to bylaws, meeting times and dates, elections, public records and findings and decisions.

(b) *Officers and duties.* The board of adjustment shall elect a chairman and secretary annually from among its members. The chairman shall preside at all meetings and shall decide points of order or procedure as necessary. The secretary shall preside at meetings in absence of the chairman, shall be custodian of the minutes and other official records of the board, shall attend to correspondence and shall cause to be given such notices as are required and in the manner prescribed by law.

(c) *Meetings, quorum and agenda.* Regular meetings shall be held (unless there is no business) at the time and place directed in the public hearing notice. Special meetings for any purpose may be held:

- (1) On call of the chairman or any two members of the board provided that written notice is given to all interested parties at least 48 hours prior to the meeting; or
- (2) As may be scheduled by a majority of the board at any previous meeting. All meetings of the board shall be public meetings and shall be held in full compliance with the provisions of state law.

Any party in interest may appear in their own behalf or may be represented by council or agent. A quorum shall consist of any three members of the board. An agenda shall be prepared for each meeting of the board. The agenda shall include matters pending further action and new appeals and matters scheduled for consideration by the board.

(d) *Official records and vote.* The official records shall include these rules and regulations, all matters concerning a case, the minutes of the board's meetings and all findings and decisions of the board. All appeal applications, minutes findings and decisions and other matters and materials pertinent to a case shall be retained in city hall and shall be available for public inspection during customary working hours. The minutes of the board's proceedings shall show the vote of each member on each decision the board makes including absent or failing to vote.

(e) *Appeals; powers and duties.*

- (1) The board of adjustment shall hear the following appeals as provided by state law:
  - a. Hear appeals from the decision of the administrative officers in respect to the enforcement and application of the zoning ordinance, and may affirm or reverse, in whole or in part, said decision of the administrative officer; and
  - b. Hear requests for variance from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance.
- (2) The board of adjustment shall not permit, as a variance, any use in a zone that is not permitted under this article. The board may impose conditions in the granting of a variance to ensure compliance and to protect adjacent property.
- (3) No appeal shall be taken to the board until and unless the administrative officer has first refused a building permit or has rendered an interpretation of the zoning ordinance. Said refusal on the part of the administrative officer shall be on a form provided by the city setting forth the reasons for refusal or interpretation including the pertinent section of the ordinance which apply and signed by the administrative officer.
- (4) An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative officer certifies to the board after the appeal is filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a decision of the board or a restraining order granted by a court of record.
- (5) Every appeal shall be filed on an application form provided by the city, shall be accompanied by the prescribed fee and shall bear the signature of the owner of the property under appeal or by accompanied by a letter from the owner authorizing an appeal. An incomplete application shall be considered a notice of intent to file and shall not be taken to the board until it is complete.
- (f) *Appeal or variance procedure.*
  - (1) Applications for appeal or variance shall be filed with the board 15 days prior to the next regular scheduled meeting of the board.
  - (2) When an application for appeal or variance has been filed with the board, the board shall publish a notice in the newspaper having general circulation in the city. The notice shall be published one time not less than ten days preceding the day of the hearing and shall include the date, time and place of the hearing, the applicant's name, the location of the property (both the legal description and layman's description) under appeal or variance and the nature of the appeal or variance requested. The board shall also have a sign placed on the property ten days preceding the day of the hearing, which sign shall be at least 18 inches high and 30 inches wide, also giving notice of appeal or application for variance.

- (3) An application may be withdrawn any-time prior to the delivery of the legal notice to the newspaper. After delivery of the legal notice to the newspaper only the board in regular or special session may allow the application to be withdrawn. The applicant shall be responsible for all legal notice fees.

(g) *Hearing and decisions.*

- (1) The chairman shall call the board to order and cause the members present or absent to be recorded. The chairman shall advise those members present of the procedure followed in the hearing and disposition of appeals, announce the name of the applicant, the location of the property involved and the nature of the request.
- (2) The chairman shall first call upon the applicant to present his case and all evidence supporting the plea. Board members may question the applicant after his presentation. The chairman shall then inquire if there are others who support the appeal and allow them to speak. Board members may question others following their presentation. The chairman shall next call on those opposed to the appeal to present their arguments. Board members may question those opposed following their presentations. The applicant shall then have the right to rebuttal to arguments presented by the opposition. Following the rebuttal the chairman shall close the public hearing. The board shall then discuss and dispose of the appeal. During the public hearing each side shall proceed without interruption and all arguments and pleadings shall be addressed to the board. No questioning or arguments between individuals will be permitted.
- (3) If an applicant fails to appear the board may continue that appeal to a future time and day certain. If the applicant fails to appear at the second public hearing the application is automatically denied and can only be reheard in keeping with the terms of this article.

- (4) The board may approve, may approve with modifications, or may deny any appeal. The board may defer to a time and day certain any appeal whenever it concludes that additional information is needed or that alternate solutions need further study. A majority vote of the board shall be required for any decision.
- (5) An appeal, once denied, shall not be heard again within a period of one year unless the applicant can show how the board erred in its determination or that new information not available at the time of the public hearing has been discovered. A majority vote of the entire board shall be required to rehear any appeal.
- (6) A determination of the board concerning an interpretation of the zoning ordinance shall be permanent until the ordinance is changed or the board makes a subsequent decision. A determination of the board concerning a variance from the zoning ordinance shall be valid for six months from the date of the final decision by the board. If a building permit is issued on a piece of property which relates to a variance decision of the board, then the building permit expiration date shall apply if it exceeds the six-month board decision date.
- (7) All appeals from a decision of the board shall be to a court of record having jurisdiction.

(Code 1997, § 130-46; Ord. No. 04-56, § 2(34), 5-25-2004)

**Sec. 14-724. Initiating authority.**

Amendments to this article may be initiated by the city council, planning commission or any owner of property in the city.

(Code 1997, § 130-47; Ord. No. 04-56, § 2(35), 5-25-2004)

**Sec. 14-725. City council and planning commission application.**

The city council or planning commission may initiate an amendment to this article by passage of a resolution setting forth the requested change. Upon receipt of the resolution, the planning com-

mission shall hold a public hearing and all procedures shall be the same as an application from a property owner.

(Code 1997, § 130-48; Ord. No. 04-56, § 2(36), 5-25-2004)

#### **Sec. 14-726. Property owner application.**

Any owner of property or their authorized agent in the city may request an amendment to this article by filing an application and payment of fees with the planning administrator on forms provided by the city. Upon receipt of an application and payment of fees, the planning administrator shall schedule a public hearing and publish a public notice in a newspaper having general circulation in the city at least one-time 15 days prior to the day of the public hearing. The public notice shall state the nature of the request and the time, date and location of the public hearing.

(Code 1997, § 130-49; Ord. No. 04-56, § 2(37), 5-25-2004)

#### **Sec. 14-727. Public hearing procedure.**

(a) The chairman shall call the commission to order and cause the members present or absent to be recorded. Afterward, the chairman shall advise those present of the procedure followed in the public hearing, announce the name of the applicant, the location of the property involved, and the nature of the request.

(b) The chairman shall first call upon the applicant to present his case and all evidence supporting the request. Commission members may question the applicant after his presentation.

(c) The chairman shall then inquire if there are others who support the request and allow them to speak. Unless a request for additional time to speak was made prior to the beginning of the planning commission meeting in which the public hearing is being conducted, any person speaking after the applicant and speaking in favor of the applicant's request shall be limited to five minutes in which to address the commission. When every person desiring to speak in favor of the applicant's request has been heard, the chairman shall inquire if any person is present that desires to speak in opposition to the applicant's

request. Unless a request for additional time to speak was made prior to the beginning of the planning commission meeting in which the public hearing is being conducted, any person speaking in opposition to the applicant's request shall be limited to five minutes in which to address the commission.

(d) When every person desiring to speak in opposition to the applicant's request has had an opportunity to do so, the applicant shall be called back and given an opportunity to rebut arguments made in opposition to his request, and may answer additional questions that may be posed by the commission.

(e) During the public hearing, each side shall proceed without interruption, and all arguments and pleadings shall be addressed to the commission. No questioning or arguments between individuals will be permitted. Any person found by the chairman to be interrupting the presentation of another speaker, or directing comments to anyone other than commission members, shall be ordered to cease and if they refuse to do so may be removed from the meeting.

(Code 1997, § 130-50; Ord. No. 04-56, § 2(38), 5-25-2004; Ord. No. 05-61, § 1, 4-26-2005)

#### **Sec. 14-728. Planning commission action.**

(a) Following the public hearing, the planning commission may approve the proposed amendment as presented, approve a modified form of either less land area or more restrictive zone or deny the application. An application may be tabled to a time and date certain for further study. If no action is taken by the planning commission within 45 days of the public hearing date, then the application shall be considered approved and shall be forwarded to the city council for consideration. The 45-day period may be extended if the applicant agrees to the extension either by so stating at a public meeting of the planning commission or in writing to the planning commission.

(b) An approved application or an approved modified application shall be forwarded to the city council for final consideration. A denied application may be appealed by the applicant to the city council. The applicant may appeal a denied application by filing a letter of appeal with the city

clerk with 15 days of the public hearing at which the application was denied. The letter of appeal shall state why the applicant feels the planning commission decision was in error.

(c) An application may be withdrawn by the applicant any time prior to the public notice being given to the newspaper. After public notice has been given only the planning commission by majority vote in a public meeting may allow an application to be withdrawn.

(d) Any part or all of a property involved in an application which was denied or withdrawn after public hearing shall not be resubmitted for a period of one year from the date of last action on the application.

(e) The planning commission may allow an application to be filed in less than one year if by majority vote it finds that a public benefit would result or that new information has been presented which was not available at the previous hearing.

(Code 1997, § 130-51; Ord. No. 04-56, § 2(39), 5-25-2004)

#### **Sec. 14-729. City council action.**

The city council may approve a recommended amendment submitted by the planning commission, modify a recommended amendment to a more restrictive district or to include less land, table a recommended amendment for referral back to the planning commission for further study and subsequent recommendation or deny a recommended amendment. Any action of the city council shall be by majority vote and all approved amendments shall be by ordinance.

(Code 1997, § 130-52; Ord. No. 04-56, § 2(40), 5-25-2004)

#### **Sec. 14-730. Enforcement.**

(a) The planning administrator designated by the city council shall enforce the zoning ordinance. The building permit and the occupancy permit process shall be the tools used by the city for enforcement.

(b) No building permit or occupancy permit shall be issued for a structure, which proposed a use that is not permitted in the zoning district in

which the structure is located. No use of a property shall be permitted which is contrary to the requirements of the district in which that property is located. No building permit or occupancy permit shall be issued for a structure, which does not conform to the bulk and area requirements of this article after the effective date of the ordinance from which this article is derived.

(c) No building or other structure shall be erected, moved, added to or structurally altered without a building permit issued by the enforcement official. No building or other structure shall be occupied without an occupancy permit issued by the enforcement official.

(Code 1997, § 130-53; Ord. No. 04-56, § 2(41), 5-25-2004)

#### **Sec. 14-731. Penalties.**

Violation of the provisions of this article including any special conditions established under conditional uses or by board of adjustment action shall constitute a misdemeanor. Any person, firm, corporation, etc., that violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined in the sum not to exceed \$250.00 for each day that the violation may be unlawfully continued.

(Code 1997, § 130-54; Ord. No. 04-56, § 2(42), 5-25-2004)

#### **Sec. 14-732. Administration.**

(a) This article shall be administered by the planning administrator designated by the city council. The administrative office shall be responsible for receiving applications, public notices, agendas, processing applications, planning commission and board of adjustment meetings, and any other administrative requirements of this chapter.

(b) Any person may file a complaint of an alleged violation of this article. The administrative officer shall investigate all complaints and determine if a violation exists. If a violation exists, the administrative officer shall inform the owner of the property in violation in writing citing the section of the article in violation and give the owner 30 days to correct the violation. The administrative officer may give the owner a specified

period of time greater than 30 days if the nature of the violation requires a greater time period. If the violation is not corrected in the time period specified, the administrative officer shall refer the matter to the city attorney for appropriate action.

(Code 1997, § 130-55; Ord. No. 04-56, § 2(43), 5-25-2004)

**Sec. 14-733. Purpose.**

The purpose of this article is to provide the minimum standards to safeguard life, health, property, public welfare and community aesthetics, by regulating and controlling the location, design and quality of maintenance of signs visible to the public.

(Code 1997, § 130-56; Ord. No. 04-56, § 2(44), 5-25-2004)

**Sec. 14-734. Administration of requirements.**

The requirements of this article shall be administered by the city planning department and or its designated representative.

(Code 1997, § 130-57; Ord. No. 04-56, § 2(45), 5-25-2004)

**Secs. 14-735—14-750. Reserved.**

